

United States  
Circuit Court of Appeals  
For the Ninth Circuit.

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ALASKA JUNEAU GOLD MINING COMPANY,  
a Corporation,

Appellant,

VS.

EBNER GOLD MINING COMPANY, a Corporation, THE ALASKA-EBNER GOLD MINES COMPANY, a Corporation, ANGUS MACKEY, as Receiver for THE ALASKA-EBNER GOLD MINES COMPANY, a Corporation, and DOWNIE D. MUIR,

Appellees.

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Transcript of Record.

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VOLUME VII.


(Pages 2401 to 2746, Inclusive.)

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Upon Appeal from the United States District Court for the  
District of Alaska, Division No. 1.

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Filed



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Page 96

Locators: Geo. Harkrader, Henry Coon and D.  
Campbell.

Date: Sept. 5, 1887.

Filed and recorded: Sept. 6, 1887.

Claim: 800 inches of water from Gold Creek.

[2180]

Place of intended use: Discovery placer mining  
claim, located by Joseph  
Juneau, and R. T. Harris.

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Page 97

Locator: Wm. Ripstein and John Regan.

Date: Aug. 24, 1887.

Filed and recorded: Sept. 6, 1887.

Claim: "500 inches of this creek."

[In margin:] "Omitted."

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Locator: C. S. Blackett.

Date: Sept. 2, 1887.

Filed and recorded: Sept. 19, 1887.

Claim: Water right commencing one hundred yards  
up Thompson Creek.

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Page 99

Locators: Thomas S. Nowell and Frank H. Nowell.

Date: Sept. 27, 1887.

Original notice posted on claim dated Sept. 17, 1887.

Filing and recording date omitted.

Claim: 5000 inches of water from Gold Creek.

Place of intended use: Nowell Mining property,  
Douglas Island.

Locators: Thomas S. Nowell and Frank H. Nowell

Date: Sept. 27, 1887.

Original notice posted on claims dated Sept. 17, 1887.

Filed and recorded: Sept. 28, 1887.

Claim: 5000 inches of water from Salmon Creek.

Place of intended use: Alaska Union and Alaska  
Consolidated Mining Com-  
panies lode claims, Doug-  
las Island.

Locators: R. G. Willoughby and P. Corcoran.

Date: Sept. 27, 1887.

Filed and recorded: Oct. 18, 1887.

Claim: all the water running in Mineral Creek on  
Admiralty Island.

Place of intended use: Windfall Mines.

[In margins:] "Omitted." "Outside Dist."

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[ 2181 ]

Locators: The Alaska Union Mining Company by  
Thos. S. Nowell, Prest. and F. H. No-  
well.

Date: Oct. 18, 1887.

Filed and recorded: Oct. 27, 1887.

Posted: Oct. 18, 1887.

Claim: 10,000 inches of water of Salmon Creek.

Place of intended use: Nowell mining property,  
Douglas Island.

Locators: L. L. Thorp, B. E. Haney.

Date omitted.

Filed and recorded: Dec. 27, 1887.

Claim: 1000 inches of water in Nevada Creek, Douglas Island.

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Locator: John G. Heid.

Date omitted.

Posted: Mar. 2, 1888.

Filed and recorded: Mar. 16, 1888.

Claim: 10,000 inches of water from Fall River.

Place of intended use: Bullion Lode, Samson and Sampson No. 2, lode claims.

---

Locator: Thomas S. Nowell.

Date: May 17, 1888.

Posted: May 17, 1888.

Filed and recorded: May 31, 1888.

Claim: 500 miners inches of water from Gold Creek.

Place of intended use: Ground Hog and Summit mill sites.

Locators: O. Price and R. J. Willoughby.

Date: June 1, 1888.

Filed and recorded: June 4, 1888.

Claim: All the water of Mineral Creek.

Place of intended use: Spokane Quartz Mining  
Claims.

[In margins:] "Admiralty Is Omitted." "Outside  
Dist." [2182]

Locator: Chas. F. Depue, agt. for Eastern Alaska  
Mining Co.

Date: June 6, 1888.

Posted: June 5, 1888.

Filed and recorded: June 6, 1888.

Claim: 500 miners inches of water from Sheep  
Creek.

Place of intended use: Mexico Mill Site.

Locators: W. C. Boyd and E. Aanland.

Date: May 31, 1888.

Filed and recorded: July 12, 1888.

Claim: The falls and water of Nevada Creek, Doug-  
las Island, at the Hartford lode about 1  
mile from salt water.

Locators: Pat McGlinchy and Thomas J. McCully.

Located: July 21, 1888.

Filed and recorded: July 23, 1888.

Claim: 2000 inches of water of Gold Creek.

---

Locator: Thomas S. Nowell.

Date: Aug. 16, 1888.

Posted: Aug. 9, 1888.

Filed and recorded: Aug. 17, 1888.

Claim: 500 miners-inches of water from Gold Creek.

Place of intended use: Ground Hog Mill Site.

---

Locator: "Stillman Lewis for the company."

Date: Aug. 14, 1888.

Filed and recorded: Aug. 27, 1888.

Claim: The water of Montana Creek.

Place of intended use: Congress 1st and East Congress quartz locations.

[In margins:] "Omitted." "Outside Dist."

[ 2183 ]

---

Locator: Hugh Murray.

Date: Sept. 2, 1888.

Filed and recorded: Sept. 12, 1888.

Claim: 300 inches of water of "a certain creek now unnamed immediately back of my cannery site near Chilcat Inlet Alaska."

Place of intended use: Locator's cannery.

[In margins:] "Omitted." "Outside Dist."

Locator: Samuel Coulter.

Date: Nov. 17, 1888.

Posted: Nov. 15, 1888.

Filed and recorded: Nov. 17, 1888.

Claim: 700 inches of water of Gold Creek.

Place of intended use: Locator's ten stamp quartz  
mill situated on South  
side of Said Gold Creek.

Locators: Henry States, Samuel Howarth and  
Henry Boursin.

"Located" Jan. 2, 1889.

Filed and recorded: Jan. 4, 1889.

Claim: 2000 inches of Cascade Creek.

[In margins:] "Omitted." "Outside Dist."

Locator: Wm. C. Antisell.

"Located" Jan. 1, 1889.

Filed and recorded: Jan. 4, 1889.

Claim: 10,000 inches of water of Antisell Creek.

Place of intended use: wheresoever needed.

[In margins:] "Omitted." "Outside Dist."

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Locators: Sam Howarth and E. Van Buren.

Date: Jan. 1, 1889.

Filed and recorded: Jan. 10, 1889.

Claim: 5000 miners inches of water of Salmon Creek.  
[2184]

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Page 176

Locator: B. F. Nowell, as agent for the Con. Mining  
Co.

Date: Feb. 19, 1889.

Filed and recorded: Feb. 22, 1889.

Claim: 300 miners inches of water of Cowee Creek,  
Douglas Island.

---

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Locators: L. L. Williams, F. E. Howard and A. T.  
Howard.

Date omitted.

Posted: Feb. 18, 1889.

Filed and recorded: Feb. 22, 1889.

Claim: 1500 inches of water from Sheep Creek.

Place of intended use: Golconda Mill Site.

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Locator: F. H. Burfeind.

"Located" Feb. 23, 1889.

Filed and recorded: Feb. 25, 1889.

Claim: 10,000 inches of water of Lemon Creek.

Locator: F. H. Burfeind.

"Located" Feb. 19, 1889.

Filed and recorded: Feb. 25, 1889.

Claim: 10,000 inches of water of Lemon Creek.

Locator: Henry Boursin.

"Located" Feb. 18, 1889.

Filed and recorded: Mar. 1, 1889.

Claim: 6000 inches of water of Lemon Creek.

Place of intended use: Storm King, New Moon, Snow  
Drop, Crystal Eclipse, Jus-  
tice and Yankee Blade  
claims. [2185]

---

Date: May 20, 1885.

Filed and recorded: May 21, 1885.

Claim: "The water running in the Northwest branch  
of Harper Creek, Douglas Island, A. T., to  
the extent of 300 inches."

Locator: S. O. Wheelock and David Flannery.

Date: May 20, 1885.

Filed and recorded: May 21, 1885.

Claim: 800 inches of water in the Middle Branch of  
Harper Creek, Douglas Island, A. T.



Locator: S. O. Wheelock and David Flannery.

Date: May 20, 1885.

Filed and recorded: May 21, 1885.

Claim: 500 inches of water in the Southeast Branch  
of Harper Creek, Douglas Island, A. T.

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Locator: M. A. Hays.

Date: May 18, 1885.

Filed and recorded: May 25, 1885.

Claim: 5000 inches of water of Gold Creek.

Place of intended use: Garside Mine.

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Locators: J. Treadwell, R. Willoughby, M. Murry,  
D. R. Price.

Date: Apr. 23, 1885.

Filed and recorded: June 16, —.

Claim: "Wild Goose Creek to the extent of all the  
inches for mining purposes."

Place of intended use: Admiralty Mining Co.'s Lo-  
cations.

[In margins:] "Omitted." "Outside H. M. D."

---

Locators: J. Treadwell, R. Willoughby, M. W.  
Murry, D. R. Price.

Date: April 24, 1884.

Filed and recorded: June 18, 1885.

Claim: 1000 inches of Crow Creek. [2186]

Place of intended use: Admiralty Mining Co.'s Lo-  
cations.

Locators: J. Treadwell, R. Willoughby, M. W. Murry,  
D. R. Price.

Date: April 22, 1885.

Filed and recorded: June 18, 1885.

Claim: 1000 inches of Mink Creek.

Place of intended use: Admiralty Mining Co. Loca-  
tions.

[In margins:] "Omitted." "Outside H. M. D."

---

Locators: John Treadwell, R. Willoughby, M. W.  
Murry, D. R. Price.

Date: April 24, 1884.

Filed and recorded: June 18, 1885.

Claim: 2000 inches of water of Salmon Creek.

Place of intended use: Admiralty Mining Co. Loca-  
tions.

[In margins:] "Omitted." "Outside H. M. D."

---

Locators: John Treadwell, R. Willoughby, M. W.  
Murry, D. R. Price.

Date: May 5, 1885.

Filed and recorded: June 18, 1885.

Claim: 10,000 inches of Squaw Creek.

Place of intended use: Admiralty Mining Co. min-  
ing locations.

[In margins:] "Omitted." "Outside H. M. D."

Locators: A. T. Lewis and Henry States.

“Located”: June 26, 1885.

Filed and recorded: June 26, 1885.

Claim: 15,000 inches of water of Gold Creek.

Locator: Andrew T. Lewis.

Date: June 27, 1885.

Filed and recorded: June 27, 1885.

Claim: 1500 miners inches of waters of Silver  
Creek. [2187]

Locators: S. McMahon and O. Price.

Date: July 31, 1885.

Filed and recorded: Aug. 11, 1885.

Claim: 1000 miners inches of water of Mineral  
Creek.

Place of intended use: “To where required.”

[In margins:] “Omitted.” “Outside H. M. D.”

Locators: S. McMahon and O. Price.

Date: July 31, 1885.

Filed and recorded: Aug. 11, 1885.

Claim: 500 miner inches of water of Deer Creek.

[In margins:] “Omitted.” “Outside H. M. D.”

Locator: D. R. Price.

"Located": July 12, 1885.

Filed and recorded: Aug. 15, 1885.

Claim: 10,000 of stream called Lake Creek.

Place of intended use: Harold and Snow Storm  
Mining Location on Ad-  
miralty Island and five  
miles North West of the  
Admiralty Mining Co.  
location.

[In margins:] "Omitted." "Outside H. M. D."

---

Locator: D. R. Price.

Date: July 18, 1885.

Filed and recorded: Aug. 15, 1885.

Claim: 10,000 inches of Deer Creek.

Place of intended use: Morning Star and Evening  
Star Mining Claim situ-  
ated on Admiralty Is-  
land, and six thousand  
feet South East of the  
Virginia Mining Claim.

[In margins:] "Omitted." "Outside H. M. D."

Locators: John G. Smith and J. G. Heid.

Date: July 30, 1885.

Filed and recorded: Aug. 18, 1885.

Claim: 150 inches of water of a certain creek which empties into Stephen's Straits upon Douglas Island on the Southern side thereof.

Place of intended use: Canal View and Sun Down Lodes. [2188]

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Date: August 24, 1885.

Filed and recorded: Aug. 24, 1885.

Posted: Aug. 24, 1885.

Claim: 2000 miners inches of water from Gold Creek.

Place of intended use: Gold Creek Tunnel Mill Site.

---

Locators: A. T. Ellis, Jas. G. Smith, J. G. Heid.

Date: Aug. 14, 1885.

Filed and recorded: Aug. 26, 1885.

Claim: 150 inches of water of a certain creek emptying into Stephen's straights and situated upon Douglas Island upon the Southern side thereof.

Place of intended use: "White Eagle" and "Belle of the Rink" Lodes.

Locators: A. T. Ellis, Jas. G. Smith and J. G. Heid.

Date: Aug. 14, 1885.

Filed and recorded: Aug. 26, 1885.

Claim: 150 inches of water of a certain creek emptying into Stephen's Straits and situated upon Douglas Island on the Southern side thereof.

Place of intended use: The "White Eagle" and  
"Belle of the Rink"  
Lodes.

---

Locators: A. T. Ellis, Jas. G. Smith and J. G. Heid.

Date: Aug. 13, 1885.

Filed and recorded: Aug. 26, 1885.

Claim: 150 inches of water of a certain creek emptying into Stephen's Straits and situated upon Douglas Island, upon the Southern side thereof.

Place of intended use: The "White Eagle" and  
"Belle of the Rink"  
Lodes.

---

Locator: G. W. Pickett.

"Located" Aug. 25, 1885.

Filed and recorded: Aug. 27, 1885.

Claim: "All of the water of this creek with all its branches and tributaries for mining and milling" purposes. [2189]

Page 28

Locators: Marion Thomas, George Mason and D. R.

Price.

Date: Aug. 30, 1885.

Filed and recorded: Sept. 2, 1885.

Claim: All water running in Thomas Creek.

Place of intended use: Black Mariah and adjoining  
clames.

[In margins:] "Omitted." "Outside H. M. D."

---

Page 29

Locators: M. Thomas, George Mason and D. R.

Price.

Date: Aug. 30, 1885.

Filed and recorded: Sept. 2, 1885.

Claim: All the water running in School Girl Creek.

Place of intended use: Black Dimond and adjoining  
clames.

[In margins:] "Omitted." "Outside H. M. D."

---

Page 30

Locators: M. Thomas, George Mason and D. R.

Price.

Date: Aug. 30, 1885.

Filed and recorded: Sept. 2, 1885.

Claim: All the water running in Rappid Creek.

Place of intended use: Black Mariah Mining Claim  
and adjoining claims.

[In margins:] "Omitted." "Outside H. M. D."

Locator: Miles Calhune Davis.

Date omitted.

Filed and recorded: Oct. 3, 1885.

Claim: "Water *rite* in Silver Basin, Alaskan Territory and its tribuays, comprising two thousand inches of water in the aforesaid Described Creek for mining purposes."

[In margins:] "Omitted." "Outside H. M. D."

---

Locators: E. S. Flint, J. S. McMahon, L. Harrod and O. Price.

Date: Sept. 22, 1885.

Filed and recorded: Sept. 20, 1885.

Posted: Sept. 2, 1885.

Claim: All the water of Admiralty Creek, Mineral Park Mining District, Territory of Alaska.

Place of intended use: Locators' mines on Mt. Ophir.

[In margins:] "Omitted." "Outside H. M. D."

---

[2190]

Locators: Frank Mahony, M. McMahon, David Flannery and Thos. Keirnon.

Date omitted.

Filed and recorded: Sept. 2, 1885.

Claim: 1500 inches of water on Fall Creek, "Cross Sound," Alaska.

[In margins:] "Omitted." "Outside H. M. D."



Locators: E. S. Flint, L. Harrod, J. McMann, and  
O. Price.

Date omitted.

Filed and recorded: Sept. 20, —.

Posted: Sept. 10, 1885.

Claim: All the water in creek to be known as  
Crooked Creek.

Place of intended use: Locators' mines on "Mt.  
Opir."

[In margins:] "Omitted." "Outside H. M. D."

---

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date: Nov. 25, 1885

Filed and recorded: Nov. 25, 1885.

Claim: 200 inches of water from a stream that  
empties into Lynn Canal about twelve  
miles North of St. Mary's Point, Berners  
Bay.

Place of intended use: Awful Lode Mining Claim.

[In margins:] "Omitted." "Outside H. M. D."

---

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date: Nov. 25, 1885

Filed and recorded: Nov. 25, 1885.

Posted: Oct. 5, 1885.

Claim: 75 inches of water from a stream that  
empties into Lynn Canal about twelve  
miles North of St. Mary's Point, Berners  
Bay.

Place of intended use: Awful Lode Mining Claim.

[In margins:] "Omitted." "Outside H. M. D."

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date: Nov. 25, 1885

Filed and recorded: Nov. 25, 1885.

Posted: Sept. 14, 1885.

[2191]

Claim: 200 inches of water from a stream that empties into Lynn Canal about twelve miles North of St. Mary's Point, Berners Bay.

Place of intended use: Awful Lode Mining Claim.

[In margins:] "Omitted." "Outside H. M. D."

---

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date: Nov. 25, 1885

Filed and recorded: Nov. 25, 1885.

Posted: Sept. 12, 1885.

Claim: 100 inches of water from a stream that empties into Lynn Canal about twelve miles N. of St. Mary's Point, Berners Bay.

Place of intended use: Awful Lode Mining Claim.

[In margins:] "Omitted." "Outside H. M. D."

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date: Nov. 25, 1885

Filed and recorded: Nov. 25, 1885.

Posted: Sept. 14, 1885.

Claim: 100 inches of water from a stream that  
empties into Lynn Canal about 12 miles  
North of St. Mary's Point, Berners Bay.

Place of intended use: Awful Lode Mining Claim.

[In margins:] "Omitted." "Outside H. M. D."

---

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date: Nov. 25, 1885

Filed and recorded: Nov. 25, 1885.

Posted: October 7th, 1885.

Claim: 300 inches of water from stream that empties  
into Lynn Canal about twelve miles North  
of St. Marys Point, Berners Bay.

Place of intended use: Awful Lode Mining Claim.

[In margins:] "Omitted." "Outside H. M. D."

---

Locator: W. M. Bennett.

Date: June 11, 1886.

Filed and recorded: June 19, 1886. [2192]

Claim: 1000 inches of water from said stream (Gold  
Creek).

Place of intended use: Ridge lying immediately  
North of what is some-  
times called Granite  
Creek.

Locator: J. A. Johnson.

Date: June 28, 1886.

Filed and recorded: June 28, 1886.

Claim: Entire volume of Gold Creek at a point  $2\frac{1}{4}$  miles up the Creek from Gastineaux Channel at the big falls.

Place of intended use: Johnson Mill Site.

---

Locator: William Lawson.

Date: July 7, 1886.

Filed and recorded: July 7, 1886.

Claim: 400 inches of water from Bear Creek, Douglas Creek, Douglas Island.

---

Locator: J. A. Johnson.

Date: July 14, 1886.

Filed and recorded: July 14, 1886.

Claim: Reservoir and water power location on Gold Creek at a point about two and a half miles from the Town of Juneau.

Place of intended use: Johnson Mill and Mining Company's mill site.

[In margin:] "Omitted."

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Locators: Frank Mahony and George Beaumont.

Date: July 18, 1886.

Filed and recorded: July 23, 1886.

Claim: 400 inches of water from second creek N. W.  
from Bear Creek on Douglas Island.

Place of intended use: Albion & Great Western  
Quartz locations.

[2193]

---

Page 60

Locator: R. G. Willoughby.

Date: July 15, 1886.

Filed and recorded: Aug. 9, 1886.

Claim: All the water of Canyon Creek.

Place of intended use: Silver Dick and Little Jennie  
Lodes.

[In margin]: "Omitted." [2193]

---

Page 60

Locators: Richard Johnson and David R. Price.

Date: June 31, 1886.

Filed and recorded: Aug. 9, 1886.

Claim: all the water of stream to be known as Light-  
ning Creek, situated at N. W. end of Ber-  
ners Bay.

[In margins:] "Omitted." "Outside H. M. D."

Locator: B. F. Nowell.

Date: Sept. 20, 1886.

Filed and recorded: Sept. 21, 1886.

Posted: Sept. 20, 1886.

Claim: 500 inches of water of Grant Creek, Douglas Island.

Place of intended use: Cleveland, Hendricks and other lode mining claims.

---

Locator: B. F. Nowell.

Date: Sept. 20, 1886.

Filed and recorded: Sept. 21, 1886.

Posted: Sept. 20, 1886.

Claim: 500 inches of water of Right hand fork of Grant Creek, Douglas Island.

Place of intended use: Cleveland, Hendricks and other lode mining claims.

---

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date omitted.

Filed and recorded: Oct. 12, 1886.

Posted: Aug. 20, 1886.

Claim: 100 inches of water from East fork of Park Creek.

Place of intended use: Republican placer and other mining claims.

[In margins:] "Omitted." "Outside Dist."

Locators: A. T. Ellis, J. G. Heid, and J. G. Smith.

Date omitted.

Filed and recorded: Oct. 12, 1886.

[2194]

Posted: Aug. 20, 1886.

Claim: 50 inches of water form first tributary of the  
East fork of Park Creek.

Place of intended use: Republican placer and other  
mining claims.

[In margins:] "Omitted." "Outside Dist."

---

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date omitted.

Posted: Aug. 20, 1886.

Filed and recorded: Oct. 12, 1886.

Claim: 25 inches of water from second tributary  
South of the East fork of Park Creek.

Place of intended use: Republican placer and other  
mining claims.

[In margins:] "Omitted." "Outside Dist."

---

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date omitted.

Filed and recorded: Oct. 12, 1886.

Posted: July 26, 1886.

Claim: 100 inches of water from first tributary of  
East fork of Park Creek North of sd East  
fork.

Place of intended use: Republican placer and other  
mining claims.

[In margins:] "Omitted." "Outside Dist."



Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date omitted.

Filed and recorded: Oct. 12, 1886.

Posted: Aug. 20, 1886.

Claim: 50 inches of water from creek known as the  
fourth tributary of the East fork of Park  
Creek South of sd East fork.

Place of intended use: Republican placer and other  
mining claims.

[In margins:] "Omitted." "Outside Dist."

---

Locators: A. T. Ellis, J. G. Heid and J. G. Smith.

Date omitted.

Posted: Aug. 20, 1886. [2195]

"Located" Oct. 4, 1890.

Filed and recorded: Oct. 6, 1890.

Claim: 1000 inches of water of Summit Creek, some-  
times called John Dixes Creek.

[In margins:] "Omitted." "Outside Dist."

---

Locators: Jno. McCormick and Angus McDonald.

Date: Sept. 26, 1890.

Filed and recorded: Oct 7, 1890.

Claim: 600 inches of water of Montana Creek.

Place of intended use: Old Fog Placer Claim.

[In margins:] "Omitted." "Outside Dist."



Page 105

Locators: Joseph Demosthenes, George Kyrage,  
Peter Komontaros, Charles Bonteros  
and Christ Bozarros.

“Located” Sept. 1, 1890.

Filed and recorded: Oct. 22, 1890.

Claim: 500 miners inches of water of Taharak  
Creek.

Place of intended use: Berner Bay Placer Claims  
Nos. 1 and 2.

[In margins:] “Omitted.” “Outside Dist.”

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Page 106

Locators: Joseph Demosthenis, Christi Boyani,  
George Kyrage, Charles Bontaros and  
Peter Comontaros.

“Located” Sept. 1, 1890.

Filed and recorded: Oct. 22, 1890.

Claim: 1000 inches of water of Great Falls Creek.

Place of intended use: Berners Bay Placer Mining  
Claims Nos. 1 and 2.

[In margins:] “Omitted.” “Outside Dist.”

---

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Locators: A. K. Delaney and A. T. Anderson.

Filed and recorded: Sept. 30, 1890.

Posted: Sept. 30, 1890.

Claim: 700 inches of water of Sheep Creek.

Place of intended use: Silver Queen and Hartford  
lode clms.

Locator: Fred Nicho.

"Located" April 20, 1890.

Filed and recorded: Nov. 5, 1890.

Claim: 5000 inches of water of Ocean Wave Creek.

[In margins:] "Omitted." "Outside Dist."  
[2196]

Locators: Karl Koehler, C. S. Johnson and L. L.  
Williams.

Date: Mar. 15, 1891.

Filed and recorded: Mar. 24, 1891.

Claim: 2500 inches of Spruce Creek.

Place of intended use: Upper Basin Placer Claim.

[In margins:] "Omitted." "Outside Dist."

Locators: Karl Koehler, C. S. Johnson and L. L.  
Williams.

Date: Mar. 15, 1891.

Filed and recorded: Mar. 24, 1891.

Claim: 2000 inches of water of Spruce Creek.

Place of intended use: Uncle Sam Basin Placer  
Claim.

[In margins:] "Omitted." "Outside Dist."

Locator: Frank B. Corwin.

"Located" Mar. 11, 1891.

Filed and recorded: Mar. 24, 1891.

Claim: 1000 inches of water of Spruce Creek.

Place of intended use: Summit Placer Location.

Locators: Alf Johnson, Seivert Anderson and Henry Olsen.

Date: May 9, 1891.

Original notice posted on ground dated May 5, 1891.

Filed and recorded: May 9, 1891.

Claim: 1000 inches of water from Nevada Creek.

Place of intended use: Tanner Placer Claim, Douglas Island.

Locator: Dr. F. Schultz.

Date: May 15, 1891.

Filed and recorded: May 15, 1891.

Claim: 20 inches of water running in Ophir Gulch Stream.

Place of intended use: Bismarck Lode Claim.

[In margins:] "Omitted." "Outside Dist."

[2197]

Locator: Dr. F. Schultz.

Date: May 15, 1891.

Filed and recorded: May 15, 1891.

Claim: 15 inches of Gulch Stream which is about  
sixty feet from Ophir Gulch.

Place of intended use: Bismarck Lode Claim.

[In margins:] "Omitted." "Outside Dist."

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Locator: C. S. Johnson, L. L. Williams and K.  
Koehler.

Date: May 21, 1891.

Filed and recorded: June 1, 1891.

Claim: 500 inches of water of Cascade Creek.

Place of intended use: Hope, Luck and Enterprise  
Placer Claims.

[In margins:] "Omitted." "Outside Dist."

---

Locator: C. S. Johnson, L. L. Williams and K.  
Koehler.

Date: May 21, 1891.

Filed and recorded: June 1, 1891.

Claim: 500 miners inches of Gulch Creek.

Place of intended use: Hope, Luck and Enterprise  
Placer Claims.

[In margins:] "Omitted." "Outside Dist."

Locator: A. M. Noyes.

"Located" May 28, 1891.

Filed and recorded: June 25, 1891.

Claim: 100 inches of water of Sheep Creek.

Place of intended use: Glacier Lode Claim.

---

Locators: O. Price, P. Conniff and J. Paton.

Date: May 28, 1891.

Filed and recorded: June 26, 1891.

Claim: 2000 miners' inches of water from Robbins  
Creek in Sumdum Bay.

Place of intended use: Wonder Lode Claims.

[In margins:] "Omitted." "Outside Dist."

[2198]

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Locators: Sylvester McMahon and Matt McMahon.

"Located" June 24, 1891.

Filed and recorded: July 26, 1891.

Claim: All the waters of Canyon Creek.

Place of intended use: Blue Wing Mine.

[In margins:] "Omitted." "Outside Dist."

---

Locator: R. F. Lewis.

"Located" July 19, 1891.

Filed and recorded: July 24, 1891.

Claim: 500 inches of water of upper right hand fork  
of McGinnis Creek.

Place of intended use: Congress Mining Company's  
lode and placer claims.

Locators: James Galligan and Barney Galligan.

Date: July 20, 1891.

Filed and recorded: July 25, 1891.

Claim: 100 miners inches of tributaries of Ice Gulch  
on the left hand side going up from Quartz  
Gulch, Silver Bow Basin.

Place of intended use: Galligan Placer Claim.

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Locators: W. A. Sanders, Christ Bozones, Charley  
Rontesos, Joseph Demosthenes, Peter  
Komontoros and George Kyrage.

Date: July 27, 1891.

Filed and recorded: Aug. 11, 1891.

Claim: 500 miners inches of water of Montana  
Creek.

Place of intended use: Berner Bay No. 1 and No. 2,  
Placer Claims; also Uani-  
more, Tuhanuck and other  
lodes.

[In margins:] "Omitted." "Outside Dist."

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Locators: S. J. Mills and James E. Woods.

Date: Aug. 10, 1891.

Filed and recorded: Aug. 26, 1891.

Claim: 800 miners inches of water of Windfall  
Creek.

Place of intended use: placer claims on Montana  
Creek.

[In margins:] "Omitted." "Outside Dist."

Locators: Koehler & Williams.

Date: Sept, 3, 1891.

Filed and recorded: Sept. 7, 1891.

Claim: 800 miners inches of water of Montana Creek.

Place of intended use: Woods, Mills, Williams and  
Koehler Placer Claims.

[In margins:] "Omitted." "Outside Dist."

Locators: John G. Peterson and Crist Fuhr.

"Located" Aug. 27, 1891.

Filed and recorded: Sept, 8, 1891.

Claim: 1000 inches of water of Grindstone Creek,  
tributary to Takow Inlet.

Locator: Karl Koehler.

Date: Sept. 12, 1891.

Filed and recorded: Sept. 17, 1891.

Claim: 800 miners inches of water of Slate Creek.

Place of intended use: Woods, Mills, Williams and  
Koehlers Placer Claims  
on Montana Creek.

[In margins:] "Omitted." "Outside Dist."

Locators: Edward Webster and W. A. Sanders.

"Located" Sept. 18, 1891.

Filed and recorded: Sept. 22, 1891.

Claim: All water flowing in Gold Creek at a point  
on the North Bank upon the Webster Mill  
Site.

Place of intended use: Webster Stamp Mill and Dam.

Locator: George Tate.

"Located" Oct. 10, 1891.

Filed and recorded: Oct. 16, 1891.

Claim: 1500 miners inches of Silver Creek (some-  
times called Bear Creek).

Place of intended use: Good Luck and Bear Placer  
Claims.

[In margins:] "Omitted." "Outside Dist."

[2200]

Locator: Wm. J. Henning.

"Located" Oct. 20, 1891.

Filed and recorded: Oct. 22, 1891.

Claim: 1000 inches of water from Granite Creek.

Place of intended use: Hill Claim opposite Coult-  
er's Mill.



Locators: George Harkrader and Henry States.

Date omitted.

Filed and recorded: Oct. 28, 1891.

Claim: 1000 inches of water of Idaho Gulch.

Place of intended use: Buckeye Quartz Lodes No.  
1 and 2.

[In margins:] "Omitted." "Outside Dist."

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Locator: Wm. M. Ebner, agt. Eastern Alaska Mining & Milling Co.

Date: Dec, 1, 1891.

Posted: Nov. 27, 1891.

Filed and recorded: Dec. 8, 1891.

Claim: 1500 miners inches of water of Gold Creek.

Place of intended use: Eastern Alaska Mining and  
Milling Company.

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Locator: Winthrop W. Fisk.

Date: Oct. 22, 1891.

Filed and recorded: April 5, 1892.

Claim: 500 miners inches of water of Bear Creek.

Place of intended use: Binder Lode.

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Locator: Louis Nadeau, Jr.

Date: April 20, 1892.

Filed and recorded: April 29, 1892.

Claim: 3000 inches of water of Fall Creek.

[In margins:] "Omitted." "Outside Dist."

Locators: Peter Jenson, John Schultz, Alex Thompson and Frank Baker.

Date: May 14, 1892.

Filed and recorded: May 21, 1892.

Claim: Body of water called Windfall Creek, Admiralty Island.

[In margins:] "Omitted." "Outside Dist."

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Locators: R. Willoughby, A. Wair and C. Krogh.

Date: June 1, 1892.

Filed and recorded: June 10, 1892.

Claim: All the water of King Creek.

Place of intended use: Mountain King Group of gold mines, about two miles Southeast of Funter Bay, Admiralty Island.

[In margins:] "Omitted." "Outside Dist."

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Locator: The Nowell Lode Mining Co. by Fred'k D. Nowell, attorney in fact.

Date: July 5, 1892.

Posted: July 5, 1892.

Filed and recorded: July 15, 1892.

Claim: 1000 inches of water of Granite Creek.

Place of intended use: Silver Bow Basin Placer mines.

Locator: The Nowell Gold Mining Co. by F. D.  
Nowell, agent.

Date: Sept. 1, 1892.

Posted: Sept. 1, 1892.

Filed and recorded: Oct. 6, 1892.

Claim: 2000 miners inches of water from Gold Creek.

Place of intended use: Nowell Gold Mining Co's  
20 stamp mill.

Locators: T. H. Pearman, W. J. Best, Wm. Bar-  
bridge and B. Cole.

Date: April 18, 1893.

Filed and recorded: April 20, 1893.

Claim: All water on South East fork of Bear Creek  
from what is known as Jade lead to the  
source of the creek and from the Jade Lead  
to the forks on Bear Creek.

[In margins:] "Omitted." "Outside Dist."

[2202]

Locator: Archibald Campbell.

Date: May 19, 1893.

Filed and recorded: May 19, 1893.

Claim: 200 inches of water of Ice Gulch, also all of  
the water of Beaudreau Gulch and all  
other side water on line of ditch.

Place of intended use: Fuller 1st lode claim.

Locator: The Alaska Prospecting and Improvement  
Company by J. H. Cryder and Thomas  
Douglas, agents.

Date omitted.

Filed and recorded: May 24, 1893.

Claim: 1000 inches of water of Grind Stone Creek.

Locator: Sanford J. Mills.

Date: May 15, 1893.

Filed and recorded: May 26, 1893.

Claim: 500 miners inches of water of Windfall Creek.

Place of intended use: Claim located by above  
locator.

[In margins:] "Omitted." "Outside Dist."

Locators: James McDonald and William Gilbert.

Date: May 24, 1893.

Filed and recorded: June 3, 1893.

Claim: 500 miners inches of water from Rine Creek  
on Takow Inlet.

Place of Intended use: Morning Sun Lode Claim  
No. 2.

Locator: William M. Ebner.

Date: May 29, 1893.

Posted: May 23, 1893.

Filed and recorded: June 14, 1903.

Claim: 1000 miners inches of water from Gold Creek.

Place of intended use: Power House about 300 feet  
Southwesterly from Basin  
Road.

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[2203]

Locator: Juneau Mining and Mangfg. Co., by Will-  
iam M. Ebner, Gen. Supt.

Date: June 19, 1893.

Posted: June 17, 1893.

Filed and recorded: June 19, 1893.

Claim: 500 inches of water from Ground Hog Gulch  
stream.

Place of intended use: Rim Rock Hole Claim.

Locators: W. A. Frank, E. F. Schumacher, S. B.  
Robbins and W. F. Reed.

Date: June 5, 1893.

Filed and recorded: June 21, 1893.

Claim: 3000 inches of water of Robbin Creek.

Place of intended use: Bald Eagle Mill Site.

[In margins:] "Omitted." "Outside Dist."

Locators: W. F. Reed, S. B. Robbins, W. A. Frank  
and E. F. Schumacher.

Date: June 5, 1893.

Filed and recorded: June 21, 1893.

Claim: 3000 inches of water of Robbins Creek.

Place of intended use: The Tennessee Mill Site.

[In margins:] "Omitted." "Outside Dist."

---

Locator: Oliver Price.

Date: June 4, 1893.

Filed and recorded: July 13, 1893.

Claim: 1000 miners inches of water of Jumpoff  
Creek, Sundum Bay.

Place of intended use: Up-and-down Lead.

[In margins:] "Omitted." "Outside Dist."

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Locator: F. Kane, James Best, Thomas Pearman,  
B. Cole and Wm. Barbridge.

Date: July 17, 1893.

Filed and recorded: July 20, 1893.

Claim: 1000 miners inches of water from West fork  
of Bear Creek on Admiralty Island,  
Alaska.

[In margins:] "Omitted." "Outside Dist."

Page 199

Locators: F. S. Reynolds and A. T. Anderson.

Date: March 2, 1889.

Filed and recorded: Mar. 12, 1889.

Claim: All the water of Sheep Creek crossing Locator's mill site.

Place of intended use: Said mill site.

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Page 200

Amended Location.

Locator: J. H. Burfiend.

Date: April 6, 1889.

Filed and recorded. April 9, 1889.

Claim: 10,000 inches of water of Lemon Creek.

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Page 201

Locators: Jas. Johnson, "for the company."

Date: April 9, 1889.

Filed and recorded: April 12, 1889.

Claim: Water of gulch which runs into Gastineaux Channel about two thirds mile Northwest of Sheep Creek, to be known as Spring Gulch.

Place of intended use: Belcher and Golden Currier Mill Sites.

Locator: Jas. Johnson, "for the company."

Date: April 9, 1889.

Filed and recorded: April 12, 1889.

Claim: 1000 inches of water of South fork of Sheep  
Creek.

Place of intended use: Mill Site located and recorded  
in favor of the Johnson  
Group of Quartz Mining  
Locations situated at  
Sheep Creek.

---

Locators: A. Hew Gamel, John F. Mahoney, Charles  
Forrest and Pat McGlinchy.

Date: April 15, 1889.

Filed and recorded: April 16, 1889.

Claim: 5000 inches of water of Salmon Creek.

[2205]

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Locators: A. Hew Gamel, John G. Malony, Charles  
Forrest and Pat McGlinchy.

Date: April 15, 1889.

Filed and recorded: April 22, 1889.

Claim: 6000 inches of water of Lemon Creek.

---

Locators: A. Hew Gamel, John G. Malony, Charles  
Forrest and Pat McGlinchy.

Date: April 21, 1889.

Filed and recorded: April 22, 1889.

Claim: 6000 inches of water of Lemon Creek.



Locator: Mrs. B. Levy.

Date omitted.

Filed and recorded: April 23, 1889.

Claim: 500 inches of water of Fall Creek, Dundas Bay, Cross Sound.

[In margins:] "Omitted." "Outside Dist."

Amended location.

Locators: Sam Howarth and Van Buren.

Date: April 19, 1889.

Filed and recorded: April 27, 1889.

Claim: 5000 inches of water of Salmon Creek.

Place of intended use: Three fourths of one mile  
from the point of diver-  
sion toward the beach on  
Gastineaux Channel on  
the Northern side  
thereof the point of di-  
version being about 550  
feet above the first forks  
on said Salmon Creek.

Locator: H. S. Wyman.

Date: April 29, 1889.

Filed and recorded: May 1, 1889.

Claim: 500 inches of water of Gold Creek. [2206]

Locator: J. D. Sagemiller.

Date: May 23, 1889.

Filed and recorded: June 3, 1889.

Claim: 500 inches of water "in this Gulch or Ravine," "situated in W. N. Westerly direction & about three quarter of a mile from our house on this bank of Three River and about three miles above the head of Berners Bay.

Place of intended use: Golden Crown and Uncle Sam Mines.

[In margins:] "Omitted." "Outside Dist."

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Locator: J. D. Sagemiller.

Date: May 22, 1889.

Filed and recorded: June 3, 1889.

Claim: 500 inches of water in "this ravine," "situated about three quarters of a mile from our house on the bank Three River in a W. South Westerly course or direction, about three miles from the Head of Berners Bay."

Place of intended use: Golden Crown and Uncle Sam Mines.

[In margins:] "Omitted." "Outside Dist."

Locator: Frank H. Nowell.

Date: July 11, 1889.

Filed and recorded: July 15, 1889.

Claim: 1500 inches of water of Granite Creek.

Place of intended use: Placer claim originally owned by Robert Dunn and Evan Williams; also that placer claim located by Wm. Nelson, Frank Cockburn, Evan Williams, Robert Dunn and Frank H. Nowell; also those certain creek placer claims known as the Discovery Creek Claims of Silver Bow Basin; also those certain creek placer claims originally owned by Pascal Charlot; also those creek claims located by Henry Coon, D. Campbell and Daniel Greer.

Locator: Frank H. Nowell.

“Located” July 20, 1889.

Filed and recorded: July 23, 1889.

Claim: 2000 inches of water of Gold Creek.

Place of intended use: Charlotte Placer ground &c.

[2207]

Locator: Luke Noland.

Date: July 29, 1889.

Filed and recorded: Aug. 12, 1889.

Claim: All the water of a gulch or ravine being one  
of the tributaries of Snow Slide Gulch on  
S. E. side thereof.

Place of intended use: Luke Noland claims.

Locator: Luke Noland.

Date: Sept. 2, 1889.

Filed and recorded: Sept. 2, 1889.

Claim: 150 inches of water from S. E. fork and 100  
inches of water from middle fork of Snow  
Slide Gulch.

Place of intended use: Locator's placer ground sit-  
uate on the Montana 1 & 2,  
the California 1 & 2  
and the Fuller 2, lode  
claims, owned by James  
Carroll.

Locator: Luke Noland.

Date: Aug. 31, 1889.

Posted: Aug. 31, 1889.

Filed and recorded: Sept. 2, 1889.

Claim: 150 inches of water of Snow Slide Gulch and tributaries.

Place of intended use: Noland placer claim, being part of the surface ground of the Fuller the second and Montana Lode Claims owned by James Carroll.

---

Locator: Louis Grainer, James McCauly, Angus McDonald and John L. Meyers.

Date: Aug. 31, 1889.

Filed and recorded: Sept. 5, 1889.

Claim: 100 inches of water of East fork of Alaska King Creek, situated on the South Easterly side of Snedisham Bay.

Place of intended use: Alaska King Lode Claim.

[In margins:] "Omitted." "Outside Dist."

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[2208]

Locators: John L. Meyers, L. L. Thorp and Chris. Heneker.

Date: Aug. 8, 1889.

Filed and recorded: Sept. 7, 1889.

Claim: 100 inches of water of East fork of Bay View Creek, situate on the Southeasterly side of

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Snudisham Bay Bay in Harris Mining  
District, Alaska.

Place of intended use: Bay View Lode Claim.

[In margins:] "Omitted." "Outside Dist."

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Page 230

Locators: John L. Meyers, L. L. Thorp and Chris.  
Heneker.

Date: Aug. 8, 1889.

Filed and recorded: Sept. 7, 1889.

Claim: 100 inches of water of West Fork of Bay  
View Creek, situated on the South easterly  
side of Snudisham Bay in Harris Mining  
District, Alaska.

Place of intended use: Bay View Lode Claim.

[In margins:] "Omitted." "Outside Dist."

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Page 231

Locators: John L. Meyers, L. L. Thorp and Chris.  
Heneker.

Date: Aug. 8, 1889.

Filed and recorded: Sept. 7, 1889.

Claim: 100 inches of water of Middle Fork of Bay  
View Creek, situated on the South Easterly  
side of Snudisham Bay in Harris Mining  
District, Alaska.

Place of intended use: Bay View Lode Claim.

[In margins:] "Omitted." "Outside Dist."

Locator: "for the company" by J. D. Sagemiller.

Date: Sept. 24, 1889.

Filed and recorded: Oct. 3, 1889.

Claim: 500 inches of water "running from a little lake and streams coming from a Glacier"; "situated in a Northwesterly direction from the head of Burners Bay and about three miles from the boat and canoe landing of the left hand or Northwest fork of the three rivers."

Place of intended use: Mill site of Uncle Sam Mining Company.

[In margins:] "Omitted." "Outside Dist."  
[2209]

Locators: Charles Forrest, Pat McGlinchy, A. H. Gamel and J. F. Malony.

Date: Oct. 2, 1889.

Filed and recorded: Oct. 4, 1889.

Claim: 100 inches of water of Deep Gulch on the main land near Salmon Creek.

Locators: George Beaumont and Louis Levy.

Date: Sept. 15, 1889.

Filed and recorded: Oct. 4, 1889.

Claim: 2000 inches of water from Glacier Creek situated in Glacier Bay at the head of Ruby Inlet.

Place of intended use: Blue Bell and Hoonah Chief Quartz lodes.

[In margins:] "Omitted." "Outside Dist."



Locators: Louis Grainer, James McCauly, Engels  
McDonald, John L. Meyers.

Date: Oct. 8, 1889.

Filed and recorded: Oct. 17, 1889.

Claim: 1000 inches of water of North East fork of  
Alaska King Creek, situated on the South  
East side of Snedisham Bay in Harris  
Mining District, Alaska.

Place of intended use: Alaska King, California and  
Nevada lodes or claims.

[In margins:] "Omitted." "Outside Dist."

Locator: Luke Noland.

Date: Sept. 20, 1889.

Filed and recorded: Oct. 21, 1889.

Claim: 250 inches of water of Ice Gulch.

Place of intended use: certain placer claims situated  
on the surface of certain  
lode claims known as the  
Fuller 2nd, the Montana  
1st and 2nd, the California  
1st and 2nd. [2210]



Page 244

Locators: C. F. Blackett and Tom McCully.

Date: Nov. 11, 1889.

Filed and recorded: Nov. 12, 1889.

Claim: 300 miners inches of water of Snow Slide Gulch.

Place of intended use: Hill Placer claims located by McCully, Blackett and Endelman on Nov. 11th, 1889.

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Page 245

Locators: Thos. McCully and C. S. Blackett.

"Located": Nov. 11, 1889.

Filed and recorded: Nov. 12, 1889.

Claim: 2000 miners inches of Gold Creek.

Place of intended use: "3 hill placer claims located near Snow Slide Gulch by the undersigned."

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Page 256

Locators: John McLaughlin and Richard P. Nelson.

Date: Feb. 23, 1890.

Filed and recorded: Mar. 20, 1890.

Claim: 500 inches of water of Seward Creek in Berners Bay District.

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[In margins:] "Omitted." "Outside Dist."

[2211]

Water locations contained in Volume 4 (L) of Placer and Water Rights.

Locator: Lena Peterson.

Date: May 1, 1890.

Filed and recorded: May 1, 1890.

Claim: All the rights and privileges to a certain stream flowing through lot No. 8 in the new addition to Juneau; also flowing through Lots 6 and 5 in block 114.

---

Locator: F. S. Reynolds.

Date: May 5, 1890.

Filed and recorded: May 13, 1890.

Claim: 1000 miners inches of Sheep Creek opposite "this notice."

Place of intended use: Silver Queen Mining Co.

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Locators: Pat McGlinchy, F. J. Malony, Chas. W. Forrest and Alfred H. Gamel.

Date: May 24, 1890.

Filed and recorded: May 28, 1890.

Posted: May 24, 1890.

Claim: 1000 inches of water from Gold Creek.

Place of intended use: Fraction Lode Claim.

---

Locator: W. F. Reed, per S. B. R.

Date: May 17, 1890.

Filed and recorded: May 28, 1890.

Claim: 500 miners inches of water of Robbins Creek.

Place of intended use: Tennessee lode or ledge mill.

[In margins:] "Omitted." "Outside Dist."

Page 13

Locators: L. L. Williams, Karl Koehler and Joseph Goldsmith.

Date: June 3, 1890.

Filed and recorded: June 12, 1890.

Claim: 2500 inches of water of Cascade Creek.

Place of intended use: Enterprise, Hope and Luck placer claims.

[In margins:] "Omitted." "Outside Dist."

[2212]

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Page 23

Locators: Crist Fuhr and S. C. Peterson.

Date: June 12, 1890.

Filed and recorded: June 23, 1890.

Claim: 1000 inches of water from the second creek on the left hand side of Takow Inlet above the first Indian Village.

[In margin:] "Omitted."

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Page 24

Locators: Karl Koehler, L. L. Williams and C. S. Johnson.

Date: June 26, 1890.

Filed and recorded: June 30, 1890.

Claim: 2500 inches of water of Spruce Creek.

Place of intended use: Enterprise, Hope and Luck Placer Claims.

[In margins:] "Omitted." "Outside Dist."

Locators: Ed Aylward and Jno. McLaughlin.

Date: June 16, 1890.

Filed and recorded: July 1, 1890.

Claim: 500 inches of water in "this creek." Water right located in a Basin near the N. W. end line of the Ophir Quartz Mining Claim on the S. W. slope of Mt. Sherman in Berners Bay, District of Alaska.

[In margins:] "Omitted." "Outside Dist."

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Locator: F. H. Poindexter, Supt. of the Chilcat Packing Co.

Date: July 9, 1890.

Filed and recorded: July 9, 1890.

Claim: 1000 inches of water from Chilcoot River.

Place of intended use: Chilcat Packing Co.'s flume.

[In margins:] "Omitted." "Outside Dist."

---

Locators: John McLaughlin and Ed Aylward.

Date: July 10, 1890.

Filed and recorded: July 16, 1890.

Claim: 2000 miners inches of Seward Creek, Berner's Bay.

[In margins:] "Omitted." "Outside Dist."

Locators: Matt McMahon and Pastorino Rocco.

Date: July 8, 1890.

Filed and recorded: July 23, 1890.

Claim: All the water of Bolder Creek about one mile  
Southeast of Sumdum Mine, Sumdum Bay,  
Alaska.

Place of intended use: Sumdum Mine.

[In margins:] "Omitted." "Outside Dist."

---

Locators: Matt McMahon and Pastorino Rocco.

Date: July 8, 1890.

Filed and recorded: July 23, 1890.

Claim: All the water of Fall Creek near Sumdum  
Bay.

Place of intended use: Sumdum Mine.

[In margins:] "Omitted." "Outside Dist."

---

Locators: S. B. Robbins, E. F. Shoemaker and W. A.  
Frank.

"Located" July 25, 1890.

Filed and recorded: Aug. 25, 1890.

Claim: 3000 inches of water from South Fork of  
Robbins Creek.

[In margins:] "Omitted." "Outside Dist."

Locator: W. A. Biglow.

Date: July 25, 1890.

Filed and recorded: Aug. 28, 1890.

Claim: 400 inches of water of Chilcoot River.

[In margins:] "Omitted." "Outside Dist."

---

Locators: George Beaumont and Wm. McLernon.

Date: Sept. 3, 1890.

Filed and recorded: Sept. 6, 1890.

Claim: All the water in that certain mountain stream running through the Mountain Torrent Lode Claim and emptying in to Sheep Creek at its head.

Place of intended use: Mountain Torrent Lode and Mountain Chief.

---

Locators: George Beaumont and Wm. McLernon.

Date: Sept. 3, 1890. [2214]

Filed and recorded: Sept. 6, 1890.

Claim: All the water in that certain stream running through the Mountain Monarch Lode Claim and emptying into Sheep Creek at its head.

Place of intended use: Mountain Monarch Lode Claim and the Mountain Torrent.

Locator: William Nelson.

Date: Sept. 8, 1890.

Filed and recorded: Sept. 9, 1890.

Posted: Sept. 8, 1890.

Claim: 3000 miners inches of water from Gold Creek.

Place of intended use: Last Chance Hydraulic Mining Claim.

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Locators: John McWilliams, G. W. Stuke, J. B Harmon and Jesse McWilliams.

“Located” June 1, 1890.

Filed and recorded: Sept. 23, 1890.

Claim: 1000 miners inches of water of the natural stream flowing from the mountain just above, over and along the located and recorded property of the Ohio Lode Claim.

[In margin:] “Omitted.”

---

Locator: K. Koehler.

Date: Sept. 19, 1890.

Filed and recorded: Sept. 24, 1890.

Claim: 3000 inches of water running in creek called Bernwords Creek, Berners Bay Mining District.

Place of intended use: Seward City Mining property.

[In margins:] “Omitted.” “Outside Dist.”

Page 96

Locator: John McCormick.

Sept. 15, 1890, date.

Filed and recorded: Oct. 1, 1890.

Claim: All the water of the Northwest branch of  
McInch's Creek to the extent of five hundred inches.

Place of intended use: Montana Creek Basin.

[In margins:] "Omitted." "Outside Dist."

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Page 98

Locators: John F. Malony, A. H. Gamel and Pat  
McClinchey. [2215]

Page 85

Locator: E. Lionel C. dela Pole; R. P. Nelson, Co-owner.

Date: Nov. 12, 1895.

Filed and recorded: Feb. 1, 1896.

Claim: 40 miners inches of water of "Templeton  
Water Right."

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Page 85

Locator: E. L. C. dela Pole; R. P. Nelson, co-owner.

Date: Nov. 12, 1895.

Filed and recorded: Feb. 1, 1896.

Claim: 40 inches of "John Brown Water Right."



Locators: Patrick Evoy, Neal Ward, Willis Thorp  
and John Regan.

Date: Feb. 8, 1896.

Filed and recorded: Feb. 28, 1896.

Claim: 300 inches on Regan Creek, Sheep Creek  
Basin.

Place of intended use: Ready Bullion, Frac-  
tion, Suzerne and Hid-  
den Treasurer Quartz  
Claims.

Locator: H. W. Mellen.

“Located” Mar. 11, 1896.

Filed and recorded: Mar. 16, 1896.

Claim: 1000 miners inches of water of Johnson  
Creek in the Berners Bay Mining District.

Place of intended use: Mill site on the Undine Min-  
ing Claim.

[In margins:] “Omitted.” “Outside Dist.”

Locators: C. S. Johnson, John G. Heid.

Located: Mar. 9, 1896.

Filed and recorded: Mar. 19, 1896.

Claim: 1500 miners inches of water of Salmon  
Creek.

Place of intended use: Sea Shore of Gastineaux  
Channel. [2216]

Locator: A. Murray.

Date: Mar. 24, 1896.

Filed and recorded: April 11, 1896.

Claim: 100 inches of water of Bear Creek.

Place of intended use: Douglas City, "for fire and  
culenary purposes."

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Locator: The Nowell Gold Mining Co., by Fredk.  
D. Nowell, Agent.

"Located" April 18, 1896.

Filed and recorded: April 18, 1896.

Claim: 1000 miners inches of water of Sheep Creek.

Place of intended use: Nowell Gold Mining Co.'s  
claims.

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Locators: William Gilbert and Louis Steen.

Date omitted.

Filed and recorded: April 27, 1896.

Claim: 600 inches of water from Rine Creek, "situ-  
ated  $\frac{3}{4}$  of a mile to the Westward of Point  
Bishop in Harrison Mining District."

Place of intended use: Yellow Jacket Lode.

Locator: Willis Sharp.

Date: April 30, 1896.

Filed and recorded: May 1, 1896.

Claim: 500 inches of water of "this stream."

Place of intended use: Locator's Electric Plant on  
Gold Creek near Auk Vil-  
lage.

---

Locators: John Y. Ostrander and G. W. F. John-  
son.

Date: April 28, 1896.

Filed and recorded: May 4, 1896.

Claim: 1500 inches of water of Salmon Creek.

Place of intended use: About one fourth miles from  
the Eastern shore of Gas-  
tineaux Channel.

---

[2217]

Locators: Robert Duncan, Jr. F. D. Nowell and J.  
F. Malony.

Date: May 6, 1896.

Filed and recorded: May 6, 1896.

Claim: All the water in that certain spring immedi-  
ately North of Gold Creek near the Bridge  
crossing said creek about a quarter of a  
mile above the mouth.

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Page 97

Locators: Robert Duncan, Jr., J. P. Corbus, A. W.  
Corbus and John F. Maloney.

Date: May 16, 1896.

Filed and recorded: May 20, 1896.

Claim: 5000 inches of waters of Gold Creek.

Place of intended use: Power house on beach near  
mouth of Gold Creek.

---

Page 98

Locators: Robert Duncan, Jr., J. P. Corbus, A. W.  
Corbus and John F. Maloney.

Date: May 16, 1896.

Filed and recorded: May 20, 1896.

Claim: 5000 inches of water of Gold Creek.

---

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Locators: R. Willoughby and R. Johnson.

Date: May 19, 1896.

Filed and recorded: May 21, 1896.

Claim: All the water of "Saw Mill Creek on the  
East or South East side of Bernards Bay,  
Territory of Alaska."

Place of intended use: Black Maria group of quartz  
mines.

[In margins:] "Omitted." "Outside Dist."

Locator: John S. Seatter.

Date: June 1, 1896.

Posted: June 2, 1896.

Filed and recorded: June 10, 1896.

Claim: 100 miners inches of water from each of Bald  
Mountain Streams Nos. 1 and 2.

Place of intended use: Initial Placer Mining Claim,  
Northwest of Townsite of  
Juneau.

[2218]

---

Locator: Frank Bach.

Date: July 10, 1896.

Filed and recorded: Aug. 4, 1896.

Claim: 1000 inches of water of Independent Creek.

Place of intended use: Premises of F. Bach and his  
co-owners.

[In margin:] "Omitted."

---

Locator: W. J. Wadleigh.

Date: Aug. 11, 1896.

Filed and recorded: Aug. 12, 1896.

Claim: 800 inches of water of Ready Bullion Creek.

Place of intended use: Beach of Gastineaux Channel.

Locator: W .J. Wadleigh.

Date: Aug. 11, 1896.

Filed and recorded: Aug. 12, 1896.

Claim: 800 miners inches of water of Bullion Creek.

Place of intended use: Beach of Gastineaux Channel.

---

Locator: W. J. Wadleigh.

Date: Aug. 9, 1896.

Filed and recorded: Aug. 18, 1896.

Claim: 600 miners inches of water of "Fall Creek"  
Douglas Island.

Place of intended use: Some point of the beach of  
Gastineaux Channel.

---

Amended location.

Locators: Antone Marks, Magloir Le Page, Alex  
Thompson and Geo. Harkrader.

Date: Aug. 6, 1896.

Filed and recorded: Aug. 18, 1896.

Claim: 1500 inches of water from Nevada Creek,  
Douglas Island.

Place of intended use: Mill site between shore of  
Gastineaux Channel and a  
point at the top of the  
small falls of said creek  
about 500 feet above the  
top of the large falls.

Page 131

Locators: Jas. Loedges, Jas. Jennings and Jas.  
McQuillon.

“Located” Aug. 21, 1896.

Filed and recorded: Sept. 3, 1896.

Claim: 10,000 miners inches of water running in  
Saw Mill Creek and also the streams  
flowing into same above or along ditch  
flume site.

Place of intended use: Smuggler and Yankee Girl  
Lode Claims.

[In margins:] “Omitted.” “Outside Dist.”

---

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Locator: Joseph Thomas Gilbert.

Date: Sept. 5, 1896.

Posted: Sept. 7, 1896.

Filed and recorded: Sept. 9, 1896.

Claim: 500 inches of waters of South East fork of  
Sheep Creek.

---

Page 136

Locator: Lewis Lund.

Date: Oct. 3, 1896.

Filed and recorded: Oct. 3, 1896.

Claim: All the water of spring situated on the moun-  
tain side at the head of 3rd Street in the  
Town of Juneau.

[In margin:] “Omitted.”

Locators: Donal Fraser, John McWilliams, C. S.  
Brown and M. E. Olsen.

Date: Sept. 16, 1896.

Filed and recorded: Oct. 5, 1896.

Claim: 1000 inches of water on East branches of  
Cowee Creek.

[In margin:] "Omitted."

---

Locator: W. I. Wadleigh.

Date: Oct. 13, 1896.

Filed and recorded: Oct. 14, 1896.

Claim: 800 miners inches of water of Ready Bullion  
Creek.

Place of intended use: Beach of Gastineaux Channel.  
[2220]

---

Locator: W. I. Wadleigh.

Date omitted.

Filed and recorded: Oct.—1896.

Claim: 600 miners inches of water of Fall Creek,  
Douglas Island.

Place of intended use: Some point of the beach of  
Gastineaux Channel.

---

Locator: W. I. Wadleigh.

Date: Oct. 13, 1896.

Filed and recorded: Oct. 14, 1896.

Claim: 800 miners inches of water of Bullion Creek.

Place of intended use: Beach of Gastineaux Channel.



Locators: Peter Wiborg, Jno. Prior, Jno. Olds and  
Thos. Smith.

"Located" Oct. 7, 1896.

Filed and recorded: Oct. 24, 1896.

Claim: 2000 inches of water of Duck Creek, which  
empties into Berners Bay on the South-  
east side of same.

[In margin:] "Omitted." "Outside Dist."

---

Locators: Peter Wiborg, Thos. Smith, Jno. Prior  
and Jno. Olds.

"Located" Oct. 7, 1896.

Filed and recorded: Oct. 24, 1896.

Claim: 2000 inches of water of Boulder Creek, which  
empties into Berners Bay on the South  
East side thereof.

[In margins:] "Omitted." "Outside Dist."

---

Locator: Frank Boch.

"Located" Oct. 30, 1896.

Filed and recorded: Nov. 2, 1896.

Claim: 5000 inches of water of Sherman Creek,  
Berners Bay Mining District.

Place of intended use: Horrible Mining & Milling  
Co. Mill.

[In margins:] "Omitted." "Outside Dist."

[2221]

Locator: Robt. Duncan, Jr.

Date: Jan. 20, 1897.

Filed and recorded: Jan. 20, 1897.

Claim: 30,000 inches of waters of Lemon Creek.

---

Locator: J. P. Corbus.

Date: Jan. 20, 1897.

Filed and recorded: Jan. 20, 1897.

Claim: 30,000 inches of waters of Lemon Creek.

---

Locator: A. N. Corbus.

Date: Feb. 15, 1897.

Filed and recorded: Feb. 15, 1897.

Claim: 20,000 inches of water of Salmon Creek.

---

Locator: Louis F. Moor.

"Located" Mar. 10, 1897.

Filed and recorded: April 3, 1897.

Claim: 2000 miners inches of water of creek which  
empties into "Sanford Cove, Holkham  
Bay, Alaska."

[In margins:] "Omitted." "Outside Dist."

Locators: John Prior, Thos. Smith, Peter Wyborg  
and John Olds.

“Located” June 13, 1897.

Filed and recorded: June 21, 1897.

Claim: 1000 miners inches of water of Boulder  
Creek, situated on Southeast side of Berners Bay.

Place of intended use: Berners Bay Mining Claim.  
[In margins:] “Omitted.” “Outside Dist.”

---

Locators: Milo Kelly, Geo. Cleveland, W. E. Williams,  
Chas. Fremont and J. W. Kelly.

“Located” June 19, 1897.

Filed and recorded: June 28, 1897.

Claim: 2000 miners inches of water of creek between  
Yankee Basin and Lynn Canal about two  
miles from Lynn Canal.

Place of intended use: Summit and Lookout Mining Claim.

[In margins:] “Omitted.” “Outside Dist.”

[2222]

Locators: Milo Kelly, George Cleveland, W. E. Williams, Chas. Fremont and Jas. W. Kelly.

Date: June 19, 1897.

Filed and recorded: June 24, 1897.

Claim: 2000 miners inches of water of creek lying between Yankee Basin and Lynn Canal about two miles from Lynn Canal.

Place of intended use: Bonanza and Bonanza Extension Mining Claims.

[In margins:] "Omitted." "Outside Dist."

---

Locators: John McCroni and John Kiernan.

"Located" June 23, 1897.

Filed and recorded: July 1, 1897.

Claim: 2000 inches of water from Johnson's Creek, Berner Bay District, Alaska.

[In margins:] "Omitted." "Outside Dist."

---

Locators: J. McLaughlin, Sam Harvey, J. R. Clay and J. Y. Ostrander.

"Located" July 3, 1897.

Filed and recorded: July 6, 1897.

Claim: 2000 miners inches of water flowing in Salmon Creek.

Place of intended use: "Old Glory" Mill site.

Locator: Joseph T. Gilbert by Chas. W. Garside,  
Agent.

Date omitted.

Posted: July 2, 1897.

Filed and recorded: July 6, 1897.

Claim: 4000 miners inches of water from Lurvy  
Creek.

Place of intended use: Perseverance Mill Site.

Locators: J. B. Warner and R. B. Knapp.

Date: Aug. 29, 1897.

Filed and recorded: Sept. 2, 1897. [2223]

Claim: 100 inches of water of stream emptying into  
Lynn Canal at Seward City.

Place of intended use: Ashland and Victor Lode  
Claims.

[In margins:] "Omitted." "Outside Dist."

Locators: John Penella and Geo. G. Danow.

Date omitted.

Posted: Aug. 31, 1897.

Filed and recorded: Sept. 3, 1897.

Claim: 200 miners inches of water of Hartford Creek,  
Berner's Bay Mining District.

Place of intended use: "Horrible" Mill Site.

[In margins:] "Omitted." "Outside Dist."

Locator: Peter Suedman.

"Located" Sept. 20, 1897.

Filed and recorded: Sept. 25, 1897.

Claim: 5000 inches of stream emptying into Lynn  
Canal at a point South of and near the  
mouth of Eagle River.

Place of intended use: Some point down the stream  
suitable for a mill site.

[In margins:] "Omitted." "Outside Dist."

Locators: Frank Cook and L. G. Boch.

"Located" Sept. 17, 1897.

Filed and recorded: Sept. 28, 1897.

Claim: 500 inches of water in Impregnable Gulch,  
Berners Bay Mining District.

Place of intended use: Ivanhoe and Ellen Mill Site.

[In margins:] "Omitted." "Outside Dist."

Locators: Frank Cook and L. G. Bock.

"Located" Sept. 17, 1897.

Filed and recorded: Sept. 28, 1897.

Claim: 3000 inches of water of Independent Creek,  
Berners Bay Mining District.

[In margins:] "Omitted." "Outside Dist."

Locator: R. F. Lewis.

Date: Nov. 15, 1897.

Filed and recorded: Nov. 16, 1897. [2224]

Claim: 100 inches of waters of Gold Creek.

Place of intended use: Whitney Placer Claim and  
Town of Juneau.

---

Locators: J. G. Davis and E. P. Pond.

"Located" Nov. 12, 1897.

Filed and recorded: Nov. 18, 1897.

Claim: 5000 miners inches of waters of Kowee Creek,  
Berners Bay.

Place of intended use: California, Scotia and Per-  
haps Quartz Claims.

[In margins:] "Omitted." "Outside Dist."

---

Locator: H. B. Runnalls.

Date: Jan. 28, 1898.

Filed and recorded: Feb. 2, 1898.

Claim: All the water rights in connection with Mill  
Creek and Fall Creek.

[In margins:] "Omitted." "Outside Dist."

Locators: W. H. Hile, by G. Waverley Keeling, Agt.

Date: Mar. 1, 1898.

Filed and recorded: Mar. 1, 1898.

Posted: Feb. 11, 1898.

Claim: 10,000 inches of water of Gold Creek.

Place of intended use: Last Chance Placer Mining  
Claims.

---

Locators: W. H. Hile, by Waverley Keeling, agt.

Date: Mar. 1, 1898.

Posted: Feb. 11, 1898.

Filed and recorded: Mar. 1, 1898.

Claim: 10,000 inches of water of Gold Creek.

Place of intended use: point below Last Chance  
Placer Claims.

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[2225]

Locators: Frank Bach, John Shultz and Alex  
Thompson.

Date: July 17, 1893.

Filed and recorded: July 20, 1893.

Claim: 5000 inches of water of Bear Creek.

Place of intended use: Homestake and Red Rose  
lode claims.

[In margins:] "Omitted." "Outside Dist."



Locator: R. F. Lewis.

Date: Aug. 11, 1893.

Filed and record: Aug. 11, 1893.

Claim: All the water running from the face and mouth of a certain tunnel situated on the West Bank of Gold Creek about 1500 feet from the Northeast corner of the town site of Juneau, to be used in supplying said Town of Juneau with water.

---

Locator: Thomas S. Nowell.

Date: Aug. 12, 1893.

Posted: Aug. 2, 1893.

Filed and recorded: Aug. 12, 1893.

Claim: 1000 miners inches of water from Gold Creek.

Place of intended use: Alaska Chief Mill Site.

---

Locator: C. F. Fuehr.

Date: Sept. 23, 1893.

Filed and recorded: Sept. 25, 1893.

Claim: 600 miners inches of water on the two little streams known as the Silver Creek and Gold Creek in Seamore Channel; also 600 inches of water of Deer Creek.

[In margins:] "Omitted." "Outside Dist."

Locators: Chas. E. Coon and G. H. Church.

Date: Oct. 4, 1893.

Filed and recorded: Oct. 4, 1893.

Claim: 100 inches of water of Gold Creek.

Place of intended use: Juneau, Alaska.

---

[2226]

Locators: Willis Thorp and J. Al. Meier.

Date: Aug. 15, 1893.

Filed and recorded: Oct. 9, 1893.

Claim: 1000 inches of water of Branch Creek situated on South East side of Sum Dum Bay.

[In margins:] "Omitted." "Outside Dist."

Locator: Fredk. D. Nowell, atty. in fact for The  
Nowell Gold Mining Co.

Date: Aug. 19, 1893.

Posted: Aug. 19, 1893.

Filed and recorded: Dec. 19, 1893.

Claim: 2000 miners inches of water from Granite  
Creek.

Place of intended use: Electric Power Plant to be  
located near hydraulic  
flume to Silver Bow Basin.

Locator: Frank C. Hammond.

Date: April 17, 1894.

Filed and recorded: April 17, 1894.

Claim: 1000 miners inches of water from Gold Creek.

Place of intended use: Power house site about 250  
feet Southwest of Basin  
Road.

Locators: James P. Gorgenson, Sylvester McMahon,  
Wm. Nelson, Wm. Rudolph and Edw.  
Webster.

Date: April 26, 1894.

Filed and recorded: May 1, 1894.

Claim: All the waters of Salmon Creek and its trib-  
utaries.

Place of intended use: Town of Juneau.

Locator: Alaska Electric Light &. Power Co. by F.  
D. Kelsey, Secretary.

Date: Date: May 24, 1894.

Original notice posted on claim dated May 22, 1894.

Filed and recorded: May 25, 1894.

Claim: 500 inches of waters of Gold Creek.

Place of intended use: Chicken Ridge, Juneau,  
Alaska.

Locators: Chas. E. Coon and G. H. Church.

Date: June 14, 1894.

Original notice posted on claim dated June 1, 1894.

Filed and recorded: June 14, 1894.

Claim: 500 inches of water of a mountain stream on  
the South side of Gold Creek.

Place of intended use: Town of Juneau.

---

Locators: Anton Teljestrand, S. J. Anderson and  
Oscar Larson.

“Located” June 6, 1894.

Filed and recorded: June 15, 1894.

Claim: The waters of the Snow Slide Stream.

[In margins:] “Omitted.” “Outside Dist.”

---

Locator: R. F. Lewis.

Date: omitted.

Filed and recorded: June 25, 1894.

Claim: 200 inches of water from Gold Creek.

Place of intended use: Aladin Placer Claim.

Amended location.

Locator: Alaska Electric Light and Power Co. by  
F. D. Kelsey, Secretary.

Date: July 5, 1894.

Original notice posted on claim dated: May 22, 1894.

Filed and recorded: July 6, 1894.

Claim: 500 miners inches of water of Gold Creek.

Place of intended use: Creek placer mining claim  
of Willis Thorp.

---

Locators: Anton Liljestrang and Alb. Ohman.

"Located" June 27, 1894.

Filed and recorded: July 7, 1894.

Claim: The water of Little Snow Slide Creek.

[In margin:] "Outside Dist."

[2228]

---

Locators: E. M. Lesihatos and Peter Komantoros.

"Located" June 23, 1894.

Filed and recorded July 11, 1894.

Claim: 500 inches of water of first fork of Sherman  
Creek (going up stream).

Place of intended use: North Star Mill Site.

[In margins:] "Omitted." "Outside Dist."

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Locators: Anton Marks, John Shoultz, Alex Thompson and Magloire Le Page.

Date: Aug. 6, 1894.

Filed and recorded Aug. 13, 1894.

Claim: 1000 miners inches of water of Nevada Creek,  
Douglas Island.

---

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Locator: A. W. Corbus.

Date: Oct. 7, 1894.

Filed and recorded: Oct. 18, 1894.

Claim: 1500 miners inches of water of Sheep Creek.

Place of intended use: Power house on beach near  
mouth of Sheep Creek,  
South West.

---

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Locator: David Wallace.

Date: Oct. 18, 1894.

Filed and recorded: Oct. 22, 1894.

Claim: 400 inches of water from Grouse Gulch and  
Quartz Gulch.

Place of intended use: Florence and Independence  
Lode Claims.

Locator: E. O. Sylvester.

“Located” Oct. 22, 1894.

Filed and recorded: Oct. 23, 1894.

Claim: 1000 miners inches of the water of Sheep  
Creek.

Place of intended use: point on beach or to some  
point along said creek to  
factory, smelter mill, or  
power house.

[2229]

---

Locator: A. Burns.

Date: Nov. 16, 1894.

Filed and recorded: Nov. 16, 1894.

Claim: 100 inches of water of spring or creek about  
700 feet up the mountain and back of the  
store building of the said A. Burns on the  
water front in the Town of Juneau.

[2230]

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Water locations contained in Volume 5 of Placer and  
Water Rights.

Locators: Wm. Nelson, Ed. Erp. Brockhousen and  
G. W. Garside.

Date omitted.

Posted: Nov. 21, 1894.

Filed and recorded: Dec. 3, 1894.

Claim: 1500 miners inches of water from Gold  
Creek.

Place of intended use: Last Chance Placer Mine.

Locators: B. M. Smith and F. D. Kelsey.

Date: Dec. 15, 1894.

Filed and recorded: Dec. 18, 1894.

Claim: 2000 miners inches of water of Salmon Creek.

Place of intended use: Mill and manufacturing site  
of locators.

---

Locators: David Fitzsimmons, Thos. Davis, Harry  
Mike T. Creenan, Jas. Fitzsimmons, Ed-  
ward McKim, William Delehay and  
Richard Boyer.

Date: Jan. 1, 1895,

Filed and recorded: Jan. 8, 1895.

Claim: 5000 inches of water of Grindstone Creek.

Place of intended use: Great Falls Placer Claim.

---

Locator: S. T. Watson.

Date: Mar. 11, 1895.

Filed and recorded: Mar. 11, 1895.

Claim: 100 inches of water of "this stream."

Place of intended use: Town of Douglas City, for  
purpose of water supply.



Locator: S. T. Watson.

Date: Mar. 11, 1895.

[2231]

Filed and recorded: Mar. 11, 1895.

Claim: 100 inches of water from "this stream of water and also that certain spring of water close to and connected with this stream of water."

Place of intended use: Town of Douglas City, for the purpose of water supply.

Locator: Jas. McDonald.

Date: Mar. 14, 1895,

Filed and recorded: April 8, 1895.

Claim: 1000 miners inches of water of Dugan Creek on the East side of Tahow Inlet on the East side of Harris Mining District.

Place of intended use: Yorktown Lode Claim on the West side of said creek.

[In margins:] "Omitted." "Outside Dist."

Locator: Juneau Mining Company by L. W. Shinn.

Date: May 14, 1895.

Filed and recorded: May 15, 1895.

Claim: 400 inches of water of Ice Gulch.

Place of intended use: Wedge and Fuller 1st Lode Claims, W. S. S. Lot No. 70.

Locator: Juneau Mining Co. by L. W. Shinn.

"Located" May 19, 1895.

Filed and recorded: May 20, 1895.

Claim: 300 inches of water of "this gulch and Ice  
Gulch stream."

Place of intended use: Wedge and Fuller 1st, W. S.  
S. Lot No. 70 Claims.

Locator: R. F. Suois.

"Located" May 29, 1895.

Filed and recorded: May 30, 1895.

Claim: 50 inches of water running down the moun-  
tain side at a point about 2100 feet above  
sea level and immediately above the old  
Carroll and Murry wharf site in the Town  
of Juneau.

Place of intended use: Fuller First Lode Claim, W.  
S. S. Lot No. 70.

[2232]

Locator: J. G. Peterson.

Date: June 3, 1895.

"Located" May 27, 1895.

Filed and recorded: June 3, 1895.

Claim: 1000 inches of water from Glacier Creek,  
which empties into Gastineaux Channel.

[In margin:] "Omitted."

Locator: Henry P. Hill.

Date: June 10, 1895.

Filed and recorded: June 10, 1895.

Claim: 100 miners inches of water of spring situated  
on the North bank of Gold Creek about 25  
feet distant therefrom.

Place of intended use: Lot 5, Block 31, Juneau  
townsite.

---

Locator: G. W. Shin for the Juneau Mining Co.

Date: June 9, 1895.

Filed and recorded: June 11, 1895.

Claim: 400 inches of water from Ice Gulch and also  
side water intercepted by ditch.

Place of intended use: Fuller First Lode Claim.

---

Locators: James Patton and James G. Smith.

Date: July 31, 1895.

Filed and recorded: July 10, 1895.

Claim: 500 inches of water of Montana Creek, in  
what is sometimes called Montana Mining  
District, Alaska.

Place of intended use: Pilgrimage Placer Claim.

[In margins:] "Omitted." "Outside Dist."

Locator: Berners Bay Mining and Milling Co. by  
Willis G. Nowell, Supt.

Date: July 11, 1895.

Filed and recorded: July 20, 1895.

Claim: 1000 miners inches of water of Ophir Creek,  
Berners Bay Mining District.

[In margins:] "Omitted." "Outside Dist."

[2233]

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Locator: Berners Bay Mining and Milling Co. by  
Willis E. Nowell, Supt.

"Located" July 11, 1895.

Filed and recorded: July 20, 1895.

Claim: 500 inches of water of West Ophir Creek,  
Berners Bay Mining District.

[In margins:] "Omitted." "Outside Dist."

---

Locator: Berners Bay Mining and Milling Co. by  
Willis E. Nowell, Supt.

"Located" July 11, 1895.

Filed and recorded: July 20, 1895.

Claim: 2000 miners inches of water of Sherman  
Creek, Berners Bay Mining District.

[In margins:] "Omitted." "Outside Dist."

Page 61

Locators: R. P. Nelson and John McLaughlin.

Date omitted.

Filed and recorded: July 26, 1895.

Claim: 200 inches of water of Ophir Creek, Berners  
Bay Mining District.

[In margins:] "Omitted." "Outside Dist."

---

Page 62

Locator: William C. Boyd.

Date: July 22, 1895.

Filed and recorded: Aug. 1, 1895.

Claim: 300 miners inches of water of Mineral King  
Creek, the first large creek below the  
Ready Bullion Creek, Douglas Island.

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Page 69

Locator: Mrs. Sadie Martin.

Date: Aug. 19, 1895.

Filed and recorded: Aug. 19, 1895.

Claim: All the water flowing from a spring situated  
on Lot 6, Block 37, Town of Juneau.

Place of intended use: Said Lot 6, for domestic and  
other purposes.

[2234]

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Locator: Willis E. Nowell, Supt. B. B. M. & M. Co.

Date: Sept. 24, 1895.

Filed and recorded: Oct. 8, 1895.

Claim: 250 miners inches of water of West Ophir  
Creek or "Impregnable Basin."

Place of intended use: Berner's Bay Mining and  
Milling Co. quartz mill.

[In margins:] "Omitted." "Outside Dist."

---

Amended location.

Page 79

Locators: Wm. Brunn and S. A. Von Gunther.

Date: Nov. 22, 1895.

Filed and recorded: Nov. 23, 1895.

Claim: "one hundred inches of water from this  
stream of water and also these certain  
springs of water close to and connected  
with this stream of water."

Place of intended use: Town of Douglas City, for  
the purpose of water sup-  
ply.

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Page 80

Locator: W. I. Webster.

Date omitted.

Filed and recorded: Dec. 19, 1895.

Claim: "Volume of water, the same being seepage  
and spring water perculating through the  
soil and furnished by a spring situated

upon Humbolt lode claim at or near the  
North West end of sd lode claim," Harris  
Mining District.

Place of intended use: Webster Quartz Mill.

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Page 82

Locator: William Douglas.

Date: Jan. 15, 1896.

Filed and recorded: Jan. 15, 1896.

Claim: 1000 inches of water of Cowie Creek, Harris  
Mining District.

[2235]

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Page 395

Locators: Frank Boch and Angus Mackay.

Date: Nov. 22, 1899.

Filed and recorded: Dec. 1, 1899.

Claim: 5000 inches of Distin Creek, which empties  
into Takow Harbor at the South East end  
of the head of said harbor.

Place of intended use: Jumboes and Sanders Mill  
Sites.

[In margins:] "Omitted." "Outside Dist."

[2236]

Water locations contained in Volume 8 of Placer  
and Water Locations.

Page 4

Locators: J. W. Price, Thomas C. Price, Charles D.  
Price and Arthur Back.

Date: Jan. 5, 1900.

Filed and recorded: Jan. 6, 1900.

Claim: 2000 miners inches of water from Salmon  
Creek.

Place of intended use: Town of Juneau for domestic  
purposes, &c.

---

Page 7

Locator: P. S. Early.

Date: Jan. 1, 1900.

Filed and recorded: Jan. 18, 1900.

Claim: 5000 cubic inches of water per second of time  
from Kowie Creek.

Place of intended use: Mill Site about 7 miles  
Southeast of Berners Bay  
on Kowie Creek.

[In margins:] "Omitted." "Outside Dist."



Locator: P. S. Early.

Date: Jan. 1, 1900.

Filed and recorded: Jan. 18, 1900.

Claim: 1000 cubic inches per second of time of water  
running in "this stream."

Place of intended use: "Mill sight at forks of  
Kowie Creek at the foot of  
Yankee Basin Mountain"  
about 8 miles Southeast of  
Berners Bay.

[In margins:] "Omitted." "Outside Dist."

---

Locators: Oscar Ohman, Anton Lilistrand and Oscar  
Larson.

Date: Feb. 5, 1900.

Filed and recorded: Feb. 6, 1900.

Claim: "This stream of water called the Snow Slide  
Creek."

[In margin:] "Outside Dist."

---

Locator: J. G. Peterson.

"Located" July 9, 1900.

Filed and recorded: July 23, 1900.

Claim: 100 miners inches of water from Goose Creek,  
which empties into Chichaco Creek about 3  
miles from salt water of Lynn Canal about  
22 miles from Juneau City, Northwest.

[In margins:] "Omitted." "Outside Dist."

Locators: J. P. Corbus.

Date: July 28, 1900.

Filed and recorded: July 28, 1900.

Claim: 500 miners inches of water of "this stream."

Place of intended use: Treadwell Mine.

---

Locator: Jualin Mining Co., by H. E. Hoggatt, Supt.

"Located" Aug. 11, 1900.

Filed and recorded: Sept. 7, 1900.

Claim: Additional 1500 miners inches of water from  
Johnson's Creek.

Place of intended use: Locator's Mill or beyond.

[In margins:] "Omitted." "Outside Dist."

---

Locators: John G. Heid, O. L. Sandstone.

"Located" Aug. 18, 1900.

Filed and recorded: Sept. 19, 1900.

Claim: 1000 miners inches of water of creek empty-  
ing into Taku Harbor on the North West  
end thereof.

Place of intended use: Stand By No. 1 and Stand  
By No. 2 Lode Claims.

Locators: O. L. Sandstone, John G. Heid and Henrietta C. Heid.

“Located” Sept. 4, 1900.

Filed and recorded: Sept. 19, 1900.

Claim: 2000 miners inches of waters of creek emptying into Takow Harbor immediately at the North end or head of said Harbor.

Place of intended use: Stand By No. 1 and Stand By No. 2 Lode Claims.

---

Locators: John Wagner, and H. H. Folsom.

Date: Sept. 15, 1900.

Filed and recorded: Oct. 2, 1900.

Claim: 3000 miners inches of water of Salmon Creek.

[2238]

Place of intended use: Boston King Mines.

---

Locator: Oliver Farnum.

Date: Dec. 24, 1900.

Filed and recorded: Dec. 26, 1900.

Claim: 250 inches of waters of creek or stream immediately opposite Douglas City, Alaska, southeast of “Belle View Gardens.”

Place of intended use: Town of Juneau.

Locator: Oliver Farnum.

Dated: Dec. 24, 1900.

Filed and recorded: Dec. 26, 1900.

Claim: 300 inches of water of creek or stream on  
main land immediately opposite Douglas  
City, Alaska, southeast of "Belle View  
Gardens."

Place of intended use: Town of Juneau.

---

Locator: R. F. Lewis.

Date: Dec. 28, 1900.

Filed and recorded: Jan. 1, 1901.

Claim: 100 inches of Gold Creek.

Place of intended use: Town of Juneau.

---

Locator: Oliver Farnum.

Dec. 27, 1900.

Filed and recorded: Jan. 14, 1901.

Claim: 300 miners inches of water of the stream in  
the ravine situated about one half of one  
mile south east of and from the garden on  
the main land immediately opposite Tread-  
well's Wharf, sometimes called the Belle  
View Ranch.

Locator: J. MacDonald, per Robt. A. Aineie.

Dated: March 17, 1901.

Filed and recorded: March 20, 1901.

Claim: 6000 inches of water or Sumer Creek, which empties into Sumer Lake, near Taku Inlet.

Place of intended use: Tide Water, Taku Inlet.

[In margins:] "Omitted." "Outside Dist."

[2239]

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Locator: Joseph McDonald, per C. A. Weck.

Date: March 23, 1901.

Filed and recorded: April 1, 1901.

Claim: 1200 inches of water of Glacier Creek, Silver Bow Basin.

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Locator: Joseph McDonald, per C. A. Weck.

Date: March 23, 1901.

Filed and recorded: April 1, 1901.

Claim: 500 inches of water of Snow Slide Gulch Creek, Silver Bow Basin.

---

Locator: J. C. Peterson.

Date omitted.

Filed and recorded: April 9, 1901.

Claim: 100 miners inches of water in Prairie Basin, running over Hidden Treasury, the You & I, the Blank and the Prairie Quartz Claims.

[In margins:] "Omitted." "Outside Dist."

Locator: John A. Williams.

Date: April 19, 1901.

Filed and recorded: April 20, 1901.

Claim: 300 inches of "this stream situate about one half mile in a Northerly direction from the Muir Lode Claim, Lemesurire Island."

Place of intended use: Muir Mill Site.

[In margins:] "Omitted." "Outside Dist."

---

Locator: J. C. Peterson.

Dated: April 24, 1901.

Filed and recorded: April 24, 1901.

Claim: 500 miners inches of Chechaco Creek (Prairie Basin), outlet of Reservoir Lake which is about 2 miles North of T Harbor on Linn Canal.

[In margins:] "Omitted." "Outside Dist."

[2240]

---

Locator: J. G. Peterson.

Date: April 24, 1901.

Filed and recorded: April 24, 1901.

Claim: 100 miners inches of water of Auk Mountain Creek in Prairie Basin.

[In margins:] "Omitted." "Outside Dist."

Page 119

Locator: L. C. Bach.

"Located" May 12, 1901.

Filed and recorded: May 13, 1901.

Claim: 200 inches of water of Gross Bay Gulch.

Place of intended use: Grass Bay Mine, situated  
on the North of Sheep  
Creek wharf.

---

Page 123

Locator: F. W. Bradley, per Charles Tappan.

Date: May 16, 1901.

Filed and recorded: June 10, 1901.

Claim. 60,000 inches of water from Turner Creek at  
the mouth of Turner Lake.

Place of intended use: tide water, Taku Inlet.

[In margin:] "Omitted."

---

Page 128

Amended location.

Locators: John W. Price, Thos. C. Price, Charles D.  
Price and Arthur D. Back.

Date: July 8, 1901.

Filed and recorded: July 10, 1901.

Claim: 2000 miners inches of water from Salmon  
Creek.

Place of intended use: A point on Gastineau Chan-  
nel about one half mile  
South of the confluence of  
Salmon Creek.

Locator: The South Eastern Alaska Mining & Milling Co.

“Located” June 12, 1901.

Filed and recorded July 13, 1901.

Claim: 10 cubic inches per second of time of water of Quartz Creek, which is a right hand tributary of McKinnis Creek.

Place of intended use: Locator’s mill site.

[In margin:] “Omitted.”

[2241]

Locators: H. H. Folsom, John Wagner, A. Goldstein and Chas. Goldstein.

“Located” July 13, 1901.

Filed and recorded: July 17, 1901.

Claim: 3000 miners inches of water from Ocean Wave Creek.

Place of intended use: Ocean Wave Group of Mines.

[In margins:] “Omitted.” “Outside Dist.”

Locator: Chas. H. Buschmann.

Date: July 12, 1901.

Filed and recorded: July 22, 1901.

Claim: “Water in this stream,” Litkoh Bay, Alaska.

[In margins:] “Omitted.” “Outside Dist.”



Locator: W. J. Hills.

"Located" Aug. 12, 1901.

Filed and recorded: Aug. 13, 1901.

Claim: "All of the water in this—Sheep Creek—  
subject, however to lawful, valid and vested  
rights, if any."

Place of intended use: Point near the shores of Gas-  
tineaux Channel and op-  
posite from the Ready  
Bullion Mine on said  
Channel.

Locator: Gust. Heidbergh.

Date: Aug. 6, 1901.

Filed and recorded: Aug. 13, 1901.

Claim: "The water from this shaft or prospect hole,  
situated back of Lot 2 in Block "k" in Ju-  
neau, Alaska."

Place of intended use: Locator's residence on said  
lot.

Locator: N. V. Rowe.

"Located" July 30, 1901.

Filed and recorded: Aug. 13, 1901.

Claim: "Water right for the Doctor Quartz Claim.  
[In margin:] "Omitted." [2242]

Locator: F. W. Bradley, per C. A. Weck, agent.

Date: Aug. 16, 1901.

Filed and recorded: Aug. 22, 1901.

Claim: 500 inches of water of Snow Slide Creek, Silver Bow Basin.

---

Locators: A. F. Judson, C. D. Mallory, attys. in fact  
for the Macon Mining Association of  
Alaska.

Date: Aug. 29, 1901.

"Located on the ground" Aug. 19, 1901.

Filed and recorded: Sept. 5, 1901.

Claim: 4000 inches of water from Spruce Creek.

Place of intended use: Beach Placer Claim.

[In margins:] "Omitted." "Outside Dist."

---

Locators: A. F. Judson and C. D. Mallory.

Date: Aug. 31, 1901.

Filed and recorded: Sept. 5, 1901.

Claim: 2000 inches of water from Silver Creek.

Place of intended use: Golden Queen Placer Claim.

[In margins:] "Omitted." "Outside Dist."

---

Locators: The Windham Bay Mining Coy.

Date: Aug. 29, 1901.

Filed and recorded: Sept 5, 1901.

Claim: 4000 inches of water from Spruce "Cream."

Place of intended use: "Florence J" placer claim.

[In margins:] "Omitted." "Outside Dist."

Locator: J. D. Sheldon.

Date: Aug. 26, 1901.

Filed and recorded: Sept. 10, 1901.

Claim: 2000 inches of water from East tributary of  
Loch Mary.

Place of intended use: Ell Oro Lode Claim.

[In margins:] "Omitted." "Outside Dist."

---

[2243]

Locator: J. D. Sheldon.

Date: Aug. 26, 1901.

Filed and recorded: Sept. 10, 1901.

Claim: 4000 inches of water from the foot of Loch  
Mary.

Place of intended use: Manufacturing and Milling  
Site at the mouth of Louis  
River at its juncture with  
the salt water, which river  
is a tributary of Wynd-  
ham Bay.

[In margins:] "Omitted." "Outside Dist."

---

Locators: John Prior, John Olds and Thos. Smith.

"Located" Sept. 12, 1901.

Filed and recorded: Sept. 23, 1901.

Claim: 2000 inches of water of Boulder Creek, which  
empties into Berners Bay on the Southeast  
side.

[In margins:] "Omitted." "Outside Dist."

Locator: P. R. Nelson.

Date: Sept. 25, 1901.

Filed and recorded: Sept. 28, 1901.

Claim: All the water of Nelson Creek, which empties  
into Gastineaux Channel between Pt.  
Bishop & Indian Village.

Place of intended use: Pt. Bishop Mine.

---

Locator: W. J. Hills.

"Located" Oct. 3, 1901.

Filed and recorded: Oct. 5, 1901.

Claim: All the water of Sheep Creek which is not  
now legally and lawfully appropriated.

Place of intended use: Near Nowell wharf on beach  
of Gastineaux Channel.

---

Locator: Alaska Atlin Mining Company, by John  
Wagner, Superintendent.

Date: Oct. 7, 1901.

Filed and recorded: Oct. 11, 1901.

Claim: All the water of Ready Bullion Creek lying,  
being and flowing over the Venice Lode  
Claim, Douglas Island.

Place of intended use: "Alaska Alin Mine." [2244]

Locator: John Wagner.

Date: Oct. 14, 1901.

Filed and recorded: Oct. 21, 1901.

Claim: All of the water in Wa-co-Chief Creek,  
South side of Douglas Island, flowing into  
Stephens Passage.

Place of intended use: Power plant at a point on the  
beach near the mouth of  
said creek.

---

Locator: Falis Merckx.

Date omitted.

Filed and recorded: Feb. 19, 1902.

Claim: 5 miners inches of water, "1500 feet from  
beach coming down the mountain passing  
50 feet East from Armorary Hall, 150 feet  
West from story and half house belonging  
to myself."

---

Locators: M. Brown and Geo. C. Stanley.

Date: Mar. 1, 1902.

Filed and recorded: Mar. 13, 1902.

Claim: "All water rights and tributaries of this  
creek situated one hundred yards East of  
Auk Village."

[In margin:] "Omitted."

Locator: Wilfrid R. Morgan.

"Located" Mar. 19, 1902.

Filed and recorded: Mar. 22, 1902.

Claim: All the water flowing in Turner Creek, which  
flows into Taku Inlet about three miles  
Southeast of Jaw Point.

[In margin:] "Omitted."

---

Locators: N. A. Neidham and Colone Winn.

Date: Mar. 22, 1902.

Filed and recorded: Mar. 22, 1902.

Claim: Full extent of all water running in "Lake  
& Stream."

Place of intended use: Mill Site Quartz Claim on the  
beach running North East  
to Auk Lake. [2245]

---

Locators: P. McMullen, M. Campbell, James Mc-  
Closkey, B. Burg and John McLaugh-  
lin.

"Located" Feb. 14, 1898.

Filed and recorded: Mar. 3, 1898.

Claim: 5000 miners inches of water of Glacier Creek,  
which heads about two miles South of  
Pyramid Harbor.

[In margins:] "Omitted." "Outside Dist."

Page 270

Locator: W. H. Hile.

Posted: Mar. 22, 1899.

Filed and recorded: Mar. 22, 1898.

Claim: 10,000 miners inches of water from Snow  
Slide Gulch.

Place of intended use: "Last Chance."

---

Page 270

Locator: W. H. Hile.

Posted: Mar. 17, 1898.

Filed and recorded: Mar. 22, 1898.

Claim: 10,000 inches of water of Gold Creek.

Place of intended use: Last Chance Placer Claim.

---

Page 274

Locator: Mullen Mining and Manufacturing Coy., by  
H. W. Mellen and H. E. Hoggott, man-  
agers.

Date omitted.

Filed and recorded: Mar. 28, 1898.

Claim: 500 inches of water from stream which flows  
out of Snow Slide Gulch into Sherman  
Creek near Seward City.

Place of intended use: Locator's Mill Site.

[In margins:] "Omitted." "Outside Dist."

Locator: Mellen Mining and Manufacturing Co., by  
H. W. Mellen and H. E. Hoggott, Man-  
agers.

"Located" Mar. 23, 1898.

Filed and recorded: Mar. 28, 1898.

Claim: "All the water flowing in this creek."

Place of intended use: Mill Site about 600 feet South  
West from location notice.

[In margins:] "Omitted." "Outside Dist."  
[2246]

---

Locator: Mellen Mining and Manufacturing Co., by  
H. W. Mellen and H. E. Hoggott, Man-  
agers.

"Located" Mar. 18, 1898.

Filed and recorded: Mar. 28, 1898.

Claim: 500 inches of water of creek flowing out of  
the Impregnable Gulch and emptying into  
Sherman Creek near Seward City.

Place of intended use: Mill site about 2000 feet down  
creek from location notice.

[In margins:] "Omitted." "Outside Dist."



Locator: Charles S. Barns, Agent for The Colorado Mining and Milling Company.

Posted: Feb. 14, 1898.

Filed and recorded: April 6, 1898.

Claim: 2000 inches of water of Glacier Creek, which empties into Chilkat Inlet of Lynn Canal.

Place of intended use: Colorado Placer Claim.

[In margins:] "Omitted." "Outside Dist."

---

Locators: Mike Creman, A. H. Wall, Henry Creman, John Barling, Steward Wall, Jacob Meyer, George Bauer and Chas. Parker.

Date: May 3, 1898.

Filed and recorded: May 5, 1898.

Claim: 5000 miners inches of water of Grind Stone Creek.

Place of intended use: Cherokee Placer Mine.

[2247]

Water locations contained in Volume 6 of Placer, Water and Mill Sites.

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Locator: Jualin Mining Co. by Frank B. Sulley, agt. and atty. in fact.

Date: April 20, 1898.

Filed and recorded: May 11, 1898.

Claim: 500 inches of water from Johnson Creek, Berners Bay Mining District.

Place of intended use: Jualin Flume.

[In margins:] "Omitted." "Outside Dist."

Locator: Jualin Mining Co., by Frank P. Sulley,  
agt. and attorney in fact.

Date: April 20, 1898.

Filed and recorded: May 11, 1898.

Claim: 600 inches of water from Johnson Creek,  
Berners Bay Mining District.

Place of intended use: Jualin Mill Site.

[In margins:] "Omitted." "Outside Dist."

---

Locator: Jualin Mining Co., by Frank P. Sulley,  
agt. and attorney in fact.

Date: April 20, ———

Filed and recorded: May 11, 1898.

Claim: 600 inches of water of Johnson Creek, Ber-  
ners Bay Mining District.

Place of intended use: Undine Mill Site.

[In margins:] "Omitted." "Outside Dist."

---

Locator: John N. Tisdale.

Date omitted.

Filed and recorded: July 5, 1898.

Claim: 10,000 inches of water from "side hill below  
the Lis Bubble and Daisy Bell Quartz  
Claims.

[In margins:] "Omitted." "Outside Dist."

Locators: Joseph McComb and H. I. Cleaver.

Date: July 30, 1898.

Filed and recorded: July 30, 1898.

Claim: 1000 inches of waters of Nevada Creek,  
Douglas Island.

Place of intended use: Venice and Florence Claims.

---

Locators: Joseph McComb and H. I. Cleaver.

Date: July 30, 1898.

Filed and recorded: July 30, 1898.

Claim: 500 inches of water from the "waters of a  
creek or stream on said Douglas Island,  
which stream is about one mile West of  
Nevada Creek."

Place of intended use: Venice and Florence Mining  
Claims.

---

Locators: J. H. Stephens, and G. W. Rudd.

"Located" Aug. 3, 1898.

Filed and recorded: Aug. 22, 1898.

Claim: 5000 inches of water from certain stream of  
water emptying into Lynn Canal at a point  
South of and near the mouth of Eagle  
River, Alaska.

Place of intended use: "Some point down the stream  
suitable for a mill site."

[In margins:] "Omitted." "Outside Dist."

Locators: John Keinian and John McCrorie.

"Located" Aug. 7, 1898.

Filed and recorded: Sept. 9, 1898.

Claim: 1600 inches of water of Johnson Creek, Berners Bay Mining District.

Place of intended use: 20 acres of ground at the head of Johnson Creek.

[In margins:] "Omitted." "Outside Dist."

---

Locator: Henry States.

Date: Oct. 21, 1898.

Filed and recorded: Oct. 29, 1898.

Claim: 1500 miners inches "in this stream."

Place of intended use: Blue Gravel Mine at the falls of West Bend, of McGinniss Creek, Mining Dist.

[In margin:] "Omitted."

[2249]

---

Locator: Henry States.

Date: Oct. 21, 1898.

Filed and recorded: Oct. 29, 1898.

Claim: 1000 miners inches of "this stream."

Place of intended use: Blue Gravel Mining Claim at the head of the left hand East Branch fork of McGinness Creek, Harris Mining District.

[In margin:] "Omitted."

Page 96

Locator: Alaska Gold Mine Co. of Ind., by Hasley  
R. Snyder, agent for said Company.

“Located” Nov. 3, 1898.

Filed and recorded: Nov. 19, 1898.

Claim: 1000 miners inches of Johnson Creek, Ber-  
ners Bay Mining District.

Place of intended use: Alaska Gold Min. Co. of Ind.  
Quartz Mill.

[In margins:] “Omitted.” “Outside Dist.”

---

Page 97

Locators: J. P. Corbus, J. A. Williams and Wm.  
Stubbins.

“Located” Nov. 19, 1898.

Filed and recorded: Nov. 21, 1898.

Claim: 600 inches of water “in this creek,” which is  
on the North side of Douglas Island and  
known as Kowee Creek.

Place of intended use: Town of Douglas, for water  
supply purposes.

---

Page 98

Locators: J. P. Corbus, J. A. Williams and Wm.  
Stubbins.

“Located” Nov. 18, 1898.

Filed and recorded: Nov. 21, 1898.

Claim: 600 inches of Lawson or Big Creek, North  
side of Douglas Island.

Place of intended use: Town of Douglas for water  
supply purposes. [2250]

2510 *Alaska-Juneau Gold Mining Company vs.*

Page 112

Locators: J. W. Price, Thomas C. Price and Charles  
D. Price.

Date: Sept. 23, 1898.

Filed and recorded: Nov. 25, 1898.

Claim: 1000 miners inches of water of Salmon Creek.

Place of intended use: Juneau, for domestic pur-  
poses.

---

Page 132

Locator: James Cannon.

Date: July 25, 1898.

Filed and recorded: Dec. 6, 1898.

Claim: 800 inches of water of Cannon Creek, "situ-  
ated in Alaska Mining District."

[In margin:] "Omitted."

---

Page 157

Locators: R. S. Campbell and Peter Mohr.

Date: Nov. 24, 1898.

Filed and recorded: Jan. 6, 1899.

Claim: 2000 miners inches of water of Glacier Creek,  
which empties into Klehena River.

Place of intended use: "Above on Klehena River."

[In margins:] "Omitted." "Outside Dist."

Page 170

Locators: John Jonnston, Oscar Foote and Michael  
Hearty.

Date omitted.

Filed and recorded: Jan. 12, 1899.

Posted: Jan. 2, 1899.

Claim: 8000 miners inches of waters of Salmon  
Creek.

---

Page 193

Locators: C. S. Price, E. V. Cabbage and Wm. P.  
Ballance.

“Located” Jan. 2, 1899.

Filed and recorded: Jan. 12, 1899.

Claim: 7500 cubic inches per second of time from  
waters of Salmon Creek. [2251]

---

Page 194

Locators: C. S. Price, E. V. Cabbage and Wm. P.  
Ballance.

“Located” Jan. 2, 1899.

Filed and recorded: Jan. 12, 1899.

Claim: 5000 cubic inches per second of time from  
Effie Creek near Taku River.

---

Page 286

Locator: D. Murphy.

Date: Jan. 26, 1899.

Filed and recorded: Feb. 3, 1899.

2512 *Alaska-Juneau Gold Mining Company vs.*

Claim: 2000 miners inches of water of Glacier Creek  
at mouth of Murphy's Glacier, left hand  
branch of creek.

[In margins:] "Omitted." "Outside Dist."

---

Page 286

Locator: Peter Mohn.

Date: Jan. 26, 1899.

Filed and recorded: Feb. 3, 1899.

Claim: 2000 miners inches of "this stream."

Place of intended use: Pyramid Harbor Mng. Co.  
claim situated at mouth  
of the creek named Dis-  
covery Creek in the Ju-  
neau Mng. Dist. of  
Alaska.

[In margins:] "Omitted." "Outside Dist."

---

Page 286

Locator: J. P. Lindsay.

Date: Jan. 26, 1899.

Filed and recorded: Feb. 3, 1899.

Claim: 2000 miners inches of water of "this stream."

Place of intended use: Chilkat Mng. Co.

[In margins:] "Omitted." "Outside Dist."

[2252]



Water Locations contained in Volume 7 of Placers.

Page 61

Locators: R. H. Wynn and D. C. Stepens.

Date: Mar. 7, 1899.

Filed and recorded: Mar. 15, 1899.

Claim: 6000 miners inches of water of stream called  
Dutch Pete and its tributaries.

[In margins:] "Omitted." "Outside Dist."

---

Page 68

Locator: Last Chance Gold Mining Co., by I. N. Gordon, Supt.

Date: Mar. 18, 1899.

Filed and recorded: Mar. 20, 1899.

Claim: 500 miners inches of water from "a certain  
mountain stream coming from the mountain North of Last Chance Basin and flowing into said Basin."

Place of intended use: Last Chance Basin.

[In margin:] "Omitted."

---

Page 69

Locator: Last Chance Gold Mining Company, per  
I. N. Gordon, Supt.

Date: Mar. 18, 1899.

Filed and recorded: Mar. 20, 1899.

Claim: 500 miners inches of water of "Mountain  
Stream emptying into Last Chance Basin."

Place of intended use: Last Chance Flume and Placer  
Basin.

Locator: Samuel L. Lovell, by J. B. Phillips, atty. in fact.

Date: Mar. 30, 1899.

Filed and recorded: May 5, 1899.

Claim: 3000 inches of water of Nugget Creek.

Place of intended use: Niaggra, Townsend and Salem beach claims.

[In margin:] "Omitted."

---

Locators: O. H. Savage, Pat Hutton and E. M. Rusk.

Date: omitted.

Filed and recorded: May 24, 1899.

Claim: 20,000 miners inches of water of Wat Ka Chee Creek on Southwest side of Douglas Island.

[2253]

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Locators: C. H. Harrison and J. N. Beam.

Date: May 20, 1899.

Filed and recorded: May 26, 1899.

Claim: 2000 cubic inches per second of time from Reservoir Lake, situated in Harris Mining District about  $3\frac{1}{2}$  miles North Easterly from "Te" Harbor on Lynn Canal.

Place of intended use: Mill Site about two miles Northwesterly from point where notice is posted, down said stream.

[In margins:] "Omitted." "Outside Dist."

Locator: Wm. M. Ebner. Page 287

Date: May 25, 1899.

Filed and recorded: June 1, 1899.

Posted: April 25, 1899.

Claim: All the water from Southwest Gulch, Southwest gulch No. 1, South Gulch and South Gulch No. 1, situated on the South and southwest slope of Juneau Mountain.

Place of intended use: Boston Group of Lode Claims.

---

Page 288

Locators: John Kernian and John McCrorie.

"Located" May 26, 1899.

Filed and recorded: June 2, 1899.

Claim: 1600 inches of water of Johnston Creek.

Place of intended use: Placer claim No. 2, situated on said creek and about one mile above the Jullian Mine in the Berner's Bay Mining District.

[In margin:] "Omitted." "Outside Dist."

---

Page 295

Locators: John A. Williams, Wm. Stubbins and J. P. Corbus.

"Location made and notice posted" June 21, 1899.

Filed and recorded: June 22, 1899.

Claim: 200 miners inches of water of the overflow from the Treadwell Ditch and waters from Springs and the natural flowing water coming in below the Treadwell Ditch between

2516 *Alaska-Juneau Gold Mining Company vs.*

Big Creek, sometimes called Lawson Creek, and the North end of the Treadwell Mine.

Place of intended use: Douglas City, for water supply. [2254]

---

Locator: A. H. Davis.

Page 297

Date: June 24, 1899.

Filed and recorded: June 28, 1899.

Claim: "Nominal cubic inches per second of time"  
of "the water running in this stream."

Place of intended use: Locator's quartz lode.

[In margin:] "Omitted." "Outside Dist."

---

Page 320

Amended location.

Locators: John McCrorie and John Kiernan.

Date: Aug. 5, 1899.

Filed and recorded: Aug. 5, 1899.

Claim: 1600 inches of water of Johnson Creek in the  
Bernier's Bay Mining District.

Place of intended use: 20 acres of ground at the  
head of Johnson Creek.

[In margins:] "Omitted." "Outside Dist."

Locators: J. W. Van Winkle, Jr., W. M. Van Winkle, R. Van Winkle, M. Danforth, Lyda Danforth and D. A. Donelson.

“Located” Sept. 2, 1899.

Filed and recorded: Oct. 19, 1899.

Claim: 3000 miners inches of water of Ruby Creek, a tributary of the Tarkin River.

Place of intended use: No. 1 Van Winkle Claim, Pinker claim, Pedro claim, claims Nos. 24, 25, 26, 27, 28, 29 and 30, all situated on the Tarkin River.

[In margins:] “Omitted.” “Outside Dist.”

---

Re-location notice.

Locators: F. H. Hiller, et al.

Page 383

“Located” Oct. 30, 1899.

Filed and recorded: Nov. 4, 1899.

Claim: 2000 cubic inches per second of time of water of “this stream.”

Place of intended use: “From this point to tide water, 1500 feet more or less in a Northerly direction.”

[In margin:] “Omitted.” “Outside Dist.”

[2255]

Locators: Chas. Goldstein, John Wagner and H. H. Folsom.

Date: Sept. 16, 1904.

Filed and recorded: Nov. 18, 1904.

Claim: All the water of creek to be known as West Fork, heading on the Northwesterly side of the Summit of Mt. Juneau, directly below what is known as the Flag Pole.

Place of intended use: Croesus and Croesus Parallel Mining Claim.

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Locators: Chas. Goldstein, H. H. Folsom, and John Wagner.

Date: Sept. 16, 1904.

Filed and recorded: Nov. 18, 1904.

Claim: All the water of creek to be known as the North Fork, heading out on the Northwesterly side of the Summit of Mt. Juneau directly below what is known as the Granit Point on Mt. Juneau.

Place of intended use: Croesus and Croesus Parallel Mining Claims.

---

Locator: Don S. Rae.

Date: Jan. 30, 1905.

Filed and recorded: Mar. 15, 1905.

Claim: 3000 miners inches of water of Lost Rocker Falls, near Sheep Creek.

Locator: R. F. Lewis, by his atty. in fact, Harry  
Bishop.

Date: Feb. 28, 1905.

Filed and recorded: Mar. 17, 1905.

Claim: 5000 inches of water of Salmon Creek.

Place of intended use: City of Juneau. [2256]

---

Locator: Ben Bullard.

Page 292

Date: April 8, 1905.

Filed and recorded: April 11, 1905.

Claim: 20,000 inches of water of Glacier River.

Place of intended use: Left bank of said stream  
about one half mile below  
where said stream comes  
from under Mendenhall  
Glacier. [2257]

---

Water locations contained in Volume 10 of  
Placer and Water Locations.

---

Locators: T. H. Ellis and V. Prest.

Page 1

Date: May 3, 1905.

Filed and recorded: May 10, 1905.

Claim: 1000 inches of water of Montana Creek.

Place of intended use: Windfall Creek claims.

[In margins:] "Omitted." "Outside Dist."



2520 *Alaska-Juneau Gold Mining Company vs.*

Locator: Kate Kabler.

Page 2

Date: April 30, 1905.

Filed and recorded: May 10, 1905.

Claim: 1000 inches of water of Spruce Creek.

Place of intended use: "Venus *Quart* Claim."

[In margins:] "Omitted." "Outside Dist."

---

Locator: R. P. Nelson.

Page 4

"Located" June 7, 1905.

Filed and recorded: June 8, 1905.

Claim: 5 cubic feet of water per second of time from  
a "small stream about one quarter mile  
Northeast of the town *sight* of Juneau."

Place of intended use: City of Juneau.

---

Locator: T. C. Hallum.

Page 14

Date: July 19, 1905.

Filed and recorded: Aug. 4, 1905.

Claim: 3000 miners inches of water of Salmon  
Creek.

Place of intended use: Horse Shoe Group of Mining  
Claims.

---

Locator: V. McFarland.

Page 18

Date: July 24, 1905.

Filed and recorded: Aug. 26, 1905.

Claim: 1000 miners inches of water of Lurvy Creek,  
Silver Bow Basin.

Place of intended use: B. S. Fraction Placer.



Locator: John R. Mitchell, Agent for the Perseverance Mining Co.

Date: Sept. 1, 1905.

Posted: Aug. 24, 1905.

Surveyed: Aug. 29, 1905.

Filed and recorded: Sept. 28, 1905.

Claim: 800 miners inches of water from South Branch of Gold Creek.

Place of intended use: Alta Mill Site.

---

Locator: John R. Mitchell, agent for the Perseverance Mining Co.

Date: Sept. 1, 1905.

Posted: Aug. 24, 1905.

Surveyed: Aug. 29, 1905.

Filed and recorded: Sept. 28, 1905.

Claim: 2000 miners inches of water of Gold Creek.

Place of intended use: Alta Mill Site.

---

Locator: Fred Hannila.

Date: Oct. 1, 1905.

Filed and recorded: Oct. 3, 1905.

Claim: 2000 miners inches of water of Sherman Creek, Berners Bay District.

[In margin:] "Omitted." "Outside Dist."

2522 *Alaska-Juneau Gold Mining Company vs.*

Locator: John R. Winn.

Page 32

"Located" Sept. 22, 1905.

Filed and recorded: Oct. 10, 1905.

Claim: Fish trap on Pleasant Island, which extends  
into the waters of Icy Straits.

[In margins:] "Omitted." "Outside Dist."

[2259]

---

Page 35

Locators: Harry Bishop and James Joyce.

"Located" Aug. 26, 1905.

Filed and recorded: Oct. 23, 1905.

Claim: All of the water of Alder Creek and the  
water shed tributary to the same, which  
*creem* empties into Taku Inlet on the North  
side thereof.

---

Page 36

Locators: John G. Heid, P. S. Early and Frank  
Bach.

Date: Aug. 1, 1905.

Posted: Aug. 1, 1905.

Filed and recorded: Oct. 27, 1905.

Claim: 5000 inches of water from Southeast fork of  
Row-eeh Creek.

Place of intended use: Mill site and power site of  
Dividend group of lode  
mining claims.

[In margin:] "Omitted."

Page 39

Locator: Alaska Perseverance Mining Co., by John  
R. Mitchell, Agent.

Date: Nov. 17, 1905.

Posted: Nov. 17, 1905.

Filed and recorded: Nov. 20, 1905.

Claim: 1000 miners inches of water of "this creek."

Place of intended use: Una Mill Site.

---

Locator: W. O. Crosby.

Page 48

Oct. 29, 1905.

Posted: Oct. 29, 1905.

Filed and recorded: Dec. 20, 1905.

Claim: 5000 inches of water from Salmon Creek.

Place of intended use: Price placer claims. [2260]

---

Locator: Arthur H. Smith.

Page 57

Date: Dec. 29, 1905.

Filed and recorded: Jan. 2, 1906.

Claim: 30,000 miners inches of water of Lemon  
Creek.

Place of intended use: Lemon Creek mining prop-  
erty.

---

Locator: F. C. Hammond.

Page 59

"Dated and posted" Jan. 3, 1906.

Filed and recorded: Jan. 4, 1906.

Claim: 15,000 miners inches of water from Sheep  
Creek.

Place of intended use: Power plant on beach of Gas-  
tineaux Channel.

2524 *Alaska-Juneau Gold Mining Company vs.*

Locator: M. J. O'Connor. Page 63

"Location made and notice posted" Feb. 13, 1906.

Filed and recorded: Feb. 14, 1906.

Claim: 250 miners inches of water of the overflow  
from the Treadwell ditch between Lawson  
Creek and the North end of the Treadwell  
Mine.

Place of intended use: Douglas City.

---

Locator: Peter Carlson. Page 65

Date: Mar. 1, 1906.

Filed and recorded: Mar. 9, 1906.

Claim: 2000 miners inches per second of time of  
waters of Sherman Creek, Berners Bay  
District.

[In margins:] "Omitted." "Outside Dist."

---

Page 81

Locator: Jualin Mines Company, by Herbert E.  
Hoggatt, agent and attorney in fact

Date: May 26, 1906.

Filed and recorded: June 13, 1906.

Claim: 1000 inches of water of Johnson Creek, Ber-  
ners Bay Mining District.

Place of intended use: Locator's mill site.

[In margins:] "Omitted." "Outside Dist."

[2261]

Locator: Don S. Rae. Page 84

Date: July 24, 1906.

Filed and recorded: July 25, 1906.

Claim: 3000 inches of water of Gold Creek.

Place of intended use: Mary B. quartz claim mill  
site &. power site.

---

Locator: August Olson. Page 85

Date: Aug. 8, 1906.

Posted: Aug. 8, 1906.

Filed and recorded: Aug. 8, 1906.

Claim: Water of certain natural river rising in the  
foot hills lying South West of platted por-  
tion of the town of Douglas.

Place of intended use: certain dwelling houses in  
Douglas.

---

Locator: L. P. Johnson. Page 88

Date: Sept. 7, 1906.

Filed and recorded: Oct. 3, 1906.

Claim: 20,000 miners inches of waters of Bullion  
Creek, Douglas Island.

---

Page 88

Locators: Abner Murray and John Henson.

Date: Oct. 6, 1906.

Posted: Oct. 6, 1906.

Filed and recorded: Oct. 8, 1906.

Claim: 2000 miners inches of water of Fish Creek.

Place of intended use: Point on beach of Gastineaux  
Channel. [2262]

Locator: Waldo States

"Located" Jan. 8, 1907.

Filed and recorded: Jan. 29, 1907.

Claim: 10,000 inches of water of Glacier River.

Place of intended use: "power plant."

---

Locator: M. F. Howe.

Date: April 22, 1907.

Filed and recorded: April 22, 1907.

Claim: 5000 miners inches of waters of Salmon Creek.

Place of intended use: Beach.

---

Locator: Ben Bullard.

Date: April 24, 1907.

Filed and recorded: May 14, 1907.

Claim: 1000 miners inches of water of Steep Creek,  
which flows out of the divide between Lem-  
mon Creek and Glacier River.

Place of intended use: Point on the flats just below  
Mendenhall Glacier.

---

Locator: Elias Ruud and C. M. Thorndyke.

Date: May 18, 1907.

Filed and recorded: May 27, 1907.

Claim: 1500 miners inches of water of Granite Creek.

Place of intended use: About one hundred feet above  
the Nowell dam in said  
Granite Creek.

Locator: Peter Reilly.

Date: June 22, 1907.

Filed and recorded: July 8, 1907.

Claim: ten cubic feet of water per second of time of  
Granite Creek, Silver Bow Basin. [2263]

---

Locators: Elias Ruud and Jesse Blakeley.

Date: July 16, 1907.

Filed and recorded: July 24, 1907.

Claim: 1500-miners inches of waters of Granite Creek.

Place of intended use: Silver Bow Basin, Juneau,  
Douglas and vicinity.

---

Locator: I. N. Stephenson.

Date: July 18, 1907.

Filed and recorded: July 25, 1907.

Claim: 4000 miners inches of water of Boulder Creek.

Place of intended use: Group of mining claims consisting of Washington Bluff, Sumdu, Gold Bug, Dandy, McKinney and Cale.

[In margins:] "Omitted." "Outside Dist."

Locators: Gudmund Jensen, Richard Johnson, James  
Joyce and J. J. McGrath.

"Located" May 29, 1907.

Filed and recorded: Aug. 1, 1907.

Claim: 2000 miners inches of water from right second  
hand fork of Cowee Creek, about 5 miles  
from Echo Harbor.

Place of intended use: Group of lode claims known  
as Maud Mina, Blue Jay  
and others.

[In margin:] "Omitted."

Locator: Alaska Reliance Gold Mining Company.

Date: July 22, 1907.

Filed and recorded: Aug. 1, 1907.

Claim: 2500 miners inches of waters of Sheep Creek.

Place of intended use: Sheep creek opposite Nowell  
Gold Mine.

Locator: L. P. Shackelford.

Date: Nov. 1, 1907.

Filed and recorded: Nov. 6, 1907.

Claim: 7000 miners inches of water of Sheep Creek.

Place of intended use: Head of pipe line below on  
said creek which connects  
with compressor plant at  
beach. [2264]



Locator: L. B. Johnson.

Date: Nov. 5, 1907.

Filed and recorded: Nov. 7, 1907.

Claim: 20,000 inches of water from reservoir at foot  
of Mt. Jumbo embracing head water of  
Bullion Creek.

Place of intended use: Mexican Mine.

Locator: Stewart Wood.

Date Jan. 8, 1908.

Filed and recorded: Jan. 30, 1908.

Claim: 1000 miners inches of water of Glacier Creek,  
Berners Bay District, Harris Mining Dis-  
trict.

Place of intended use: Placer Claim No. 1.

[In margin:] "Omitted."

Locator: Lewis Lund.

Date: Jan. 6, 1908.

Filed and recorded: Feb. 15, 1908.

Claim: All the water of certain stream situated on  
the mountain side  $\frac{1}{2}$  mile North of Lewis  
Lund homestead.

Locator: Pisetta Noe and Wm. N. C. Waddleton.

Date: July 7, 1908.

Filed and recorded: Aug. 8, 1908.

Claim: Full capacity of flume at the intersection of locators' intake with natural course of stream, from waters of third "Snowslide" stream from the mountains from Juneau to Sheep Creek.

Place of intended use: Beach of Gastineaux Channel.

---

Locators: J. H. Stephens and Tom Dull.

Date: July 8, 1908.

Filed and recorded: Aug. 8, 1908.

Claims: 5000 inches of water from creek which empties into Montana Creek.

Place of intended use; Auk Bay. [2265]

[In margin:] "Omitted."

---

Locator: T. H. Ellis.

Date: Mar. 26, 1902.

Filed And Recorded: April 1, 1902.

Claim: 500 miners inches of water of the stream that flows in the gulch upon which the quartz claims known as the Gray Eagle, Doctor, Evening Star and Ophir are located.

Place of intended use: Ophir Mill Site.

[In margins:] "Omitted." "Outside Dist."

Locators: Wm. Winn, O. F. Des Rocher, and H. C. Sanford.

Date: April 5, 1902.

Filed and recorded: April 8, 1902.

Claim: "Ground for a *canery* site, including all water rights, appertaining to said ground" at the head of Douglas Island and near what is known as Fritzes Cove.

[In margins:] "Omitted." "Outside Dist."

---

Locator: Falis Marcx.

Date: April 18, 1902.

Filed and recorded: April 18, 1902.

Claim: 10 inches of water from "this stream."

Place of intended use: "About 1000 feet up the hill from the Bears Nest Stam-Mill."

---

Locator: Detroit Mining Co., per Henry States, agent.

Date: April 28, 1902.

Filed and recorded: May 3, 1902.

Claim: 3000 miners inches of water of Windfall Creek.

Place of intended use: Locator's placer claims.

[In margins:] "Omitted." "Outside Dist."

Locators: John Wagner, V. McFarland and L. B. Wickersham.

"Located" May 1, 1902.

Filed and recorded: May 6, 1902.

Claim: 3000 miners inches of water from St. James Creek.

[In margins:] "Omitted." "Outside Dist."  
[2266]

---

Locators: Wm. Winn and N. A. Needham.

"Located" July 3, 1902.

Filed and recorded: July 3, 1902.

Claim: Auk Lake and also the stream furnishing the outlet of said lake.

Purpose: "Fish Hatcher."

---

Locators: N. A. Needham and Wm. Winn.

Date: Sept. 5, 1902.

Filed and recorded: Sept. 10, 1902.

Claim: Stream which flows into Auk Lake on the North East side thereof.

Purpose: In connection with locators' salmon fish hatchery.

Locators: Harvey I. Larrison and Christian Dorr.

Date: Sept. 16, 1902.

Filed and recorded: Sept. 20, 1902.

Claim: Tent Creek and Tusta Creek, both emptying  
into Salt Lake, which lake is situated  
about thirty miles West of Juneau and  
empties into Lynn Canal at Kish-brook  
Island.

Purpose: Fish Hatchery.

[In margins:] "Omitted." "Outside Dist."

---

Locator: John Wagner.

Page 262

Date: July 1, 1902.

Filed and recorded: Sept. 30, 1902.

Claim: All the water running in Salmon Creek at  
2nd falls about 3 miles Northwest of Ju-  
neau.

Place of intended use: Alaska King Mining Com-  
pany's mining property.

[2267]

Locator: R. F. Lewis, by his attorney in fact, C. M.  
Summers.

Date: Feb. 6, 1903.

Filed and recorded: Feb. 6, 1903.

Claim: 200 inches of water flowing in Gold Creek  
and from springs adjacent thereto.

Place of intended use: North end of Franklin St.,  
Juneau. [2268]

WATER LOCATIONS CONTAINED IN VOL-  
UME 9 OF PLACER AND WATER LOCA-  
TIONS.

Page 1

Locator: W. H. Hile.

Date omitted.

Filed and recorded: Mar. 19, 1903.

Claim: 10,000 miners inches of water running in  
Gold Creek.

---

Page 5

Locators: J. B. Barnes, J. A. Black, J. T. Martin  
and Milo Kelly.

"Located" April 5, 1903.

Filed and recorded: April 14, 1903.

Claim: all surplus water of Saw Mill Creek, Ber-  
ners Bay.

Place of intended use: Captain & Mate Lode Claim.  
[In margins:] "Omitted." "Outside Dist."

---

Page 6

Locator: W. H. Hile.

Date: April 20, 1903.

Filed and recorded: April 21, 1903.

Claim: 10,000 miners inches of Gold Creek.

Place of intended use: Placer claim known as the  
"Last Chance."

Locators: Ralph B. Day and John Olds.

"Located" Jan. 10, 1903.

Filed and recorded: May, 1, 1903.

Claim: 6000 inches of water of Glacier River.

Place of intended use: Power plant on Glacier  
River.

Locator: C. D. Mallory.

Date: June 26, 1903.

Filed and recorded: July 7, 1903.

Claim: 4000 miners inches of water per "second  
minute" of time of Glacier Creek, the out-  
let of Glacier Lake at the foot of Eagle  
Glacier.

Place of intended use: Heid, Sanstone, Ward group  
of quartz mining claims.

[In margin:] "Omitted." [2269]

Locator: C. D. Mallory.

Date: June 26, 1903.

Filed and recorded: July 7, 1903.

Claim: 2000 miners inches of water per "minute  
second" of time of Ward Creek, which is  
a tributary of Eagle River.

Place of intended use: Heid, Sandstone, Ward  
group of quartz mining  
claims.

[In margin:] "Omitted."

Locator: C. D. Mallory.

Date: June 26, 1903.

Filed and recorded: July 7, 1903.

Claim: 1000 miners inches of water per "second, minute" of time of Mallory Creek, which is a tributary of Eagle River.

Place of intended use: Sanstone, Heid, Ward group of quartz mining claims.

[In margin:] "Omitted."

---

Locator: C. D. Mallory.

Page 45

Date: June 26, 1903.

Filed and recorded: July 7, 1903.

Claim: 1500 miners inches per minute of time of the water of Sandstone Creek, a tributary of Eagle River.

Place of intended use: Heid, Sandstone, Ward group of quartz mining claims.

[In margin:] "Omitted."

---

Locator: C. D. Mallory.

Page 46

Date: June 26, 1903.

Filed and recorded: July 7, 1903.

Claim: 2000 miners inches of water per "second, minute" of time of certain creek flowing through Bear Creek canyon from underneath Eagle Glacier.

Place of intended use: Heid, Sandstone, Ward group of quartz mining claims.



Locator: C. D. Mallory.

Date: June 26, 1903.

Filed and recorded: July 7, 1903. [2270]

---

Claim: 4000 miners inches of water per "second, minute" of time of tributaries and outlet of Glacier Lake, situate at the base of Eagle Glacier and emptying into Eagle River.

Place of intended use: Heid, Sandstone, Ward group of quartz mining claims.

[In margin:] "Omitted."

---

Locators: J. A. Mays and P. Hansen.

Date omitted.

Filed and recorded: Aug. 13, 1903.

Claim: 10,000 inches of waters of Nugget Creek.

---

Locator: C. K. Shubert.

Date: Aug. 14, 1903.

Filed and recorded: Aug. 17, 1903.

Claim: 3000 miners inches of water of "said creek."

Place of intended use: Point North of Sheep Creek in what is known as Glacier Basin.

Locators: M. C. Shubert, Delia Rae, David Staup  
and J. W. Caddus.

Date: Aug. 15, 1903.

Filed and recorded: Aug. 17, 1903.

Claim: Water on what is known as the Lost Rocker  
Falls, Harris Mining District.

---

Locator: T. C. Hallum.

Date: Aug. 31, 1903.

Filed and recorded: Sept. 8, 1903.

Claim: "The water running in this Salmon Creek  
(and Falls) stream to the extent of power  
enough to mine and operate the Klondike  
Group of Mining Claims."

---

Locators: A. L. Dewan, Thomas Schram, R. E.  
Gross, P. J. Howard, A. McIntyre,  
Helen A. Krouse, Thomas A. Smyth  
and W. E. Fry.

"Located" Sept. 19, 1903.

Filed and recorded: Sept. 23, 1903. [2271]

---

Claim: 10,000 miners inches of water of Green  
River.

[In margins:] "Omitted." "Outside Dist."

Locator: Chas. Stewart.

Date: Sept. 5, 1893.

Filed and recorded: Sept. 23, 1903.

Claim: 1000 inches of water from Dry Creek, on  
Point St. Mary, which creek empties into  
Lynn Canal.

Place of intended use: Grand Reef Quartz Claim.

[In margins:] "Omitted." "Outside Dist."

---

Locator: Christian G. Grosser.

Date: Oct. 3, 1903.

Filed and recorded: Oct. 12, 1903.

Claim: 10 cubic feet of water per second of time  
from Ruby Creek, about  $\frac{1}{2}$  mile West of  
Browns Camp at the head of Gambia Bay,  
Harris Mining District.

Place of intended use: Pearl Mine.

[In margins:] "Omitted." "Outside Dist."

---

Locator: The Mansfield Gold Mining Co., by Ralph  
B. Day.

"Located" Sept. 2, 1903.

Filed and recorded: Oct. 14, 1903.

Claim: 5000 inches of water of McGinnis Creek.

Place of intended use: Mansfield Gold Mining Com-  
pany's claims.

[In margin:] "Omitted."

Locators: John Prior, Thos. Smith and John Olds.

"Located" Oct. 27, 1903.

Filed and recorded: Dec. 9, 1903.

Claim: 1000 inches of water of Boulder Creek, which empties into Berners Bay.

Place of intended use: Berners Bay Lode Claim.

[In margins:] "Omitted." "Outside Dist."  
[2272]

---

Locator: Milton Jones.

Page 144

Date: Nov. 21, 1903.

Filed and recorded: Dec. 14, 1903.

Claim: 2000 inches of water of right branch or creek emptying into Lock Mary, Windham Bay.

Place of intended use: Locator's claims.

[In margins:] "Omitted." "Outside Dist."

---

Locator: R. P. Nelson.

Page 188

"Located" April 1, 1904.

Filed and recorded: April 2, 1904.

Claim: 50 inches of water of small stream near the Northeast end of Fourth Street, Juneau.

Place of intended use: City of Juneau.

---

Locator: R. P. Nelson.

Page 188

"Located" April 6, 1904.

Filed and recorded: April 7, 1904.

Claim: 100 inches of water of creek situated about  $\frac{1}{2}$  mile North of the North boundary of Juneau and empties into Gold Creek.

Place of intended use: City of Juneau.

Locator: A. N. Nadeau. Page 190

Date: April 1, 1904.

Filed and recorded: April 21, 1904.

Claim: 10,000 miners inches of water of Falls Creek  
and of Falls Lake, Berners Bay.

[In margins:] "Omitted." "Outside Dist."

---

Locator: Frank Fremming. Page 190

Date: April 20, 1904.

Filed and recorded: April 22, 1904.

Claim: 10,000 miners inches per second of time of  
the waters of Johnson Creek, Berners Bay  
Mining District.

Place of intended use: Locator's claims.

[In margins:] "Omitted." "Outside Dist."

---

[2273]

Locators: F. Bach and P. S. Early. Page 192

Date: April 15, 1904.

Filed and recorded: April 23, 1904.

Claim: 20,000 miners inches of waters of Glacier  
Creek.

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Page 208

Locators: C. A. Woodruff and E. Owens.

Date: May 27, 1904.

Filed and recorded: June 7, 1904.

Claims: 15,000 inches of water of Powers Creek  
Stream.

Place of intended use: Power plant and hydraulic  
placer claims.

[In margins:] "Omitted." "Outside Dist."

2542 *Alaska-Juneau Gold Mining Company vs.*

Page 218

Locator: Alaska Treasure Consolidated Mines, by  
M. S. Hudson, Superintendent.

Date: August 1, 1904.

Filed and recorded: August 2, 1904.

Claim: 400 miners inches of water of Nevada Creek,  
Douglas Island.

Place of intended use: Tide waters of Gastineaux  
Channel.

---

Locator: Richard P. Nelson.

Page 219

Date: August 25, 1904.

Filed and recorded: August 27, 1904.

Claim: 1000 cubic inches per second of water flowing  
into and out of tunnel near Juneau City.

Place of intended use: Locator's water system.

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Locator: Robt. A. Kinzie.

Page 245

Date: Sept. 13, 1904.

Filed and recorded: Sept. 26, 1904.

Claim: 2000 miners inches of waters of Sherman  
Creek near Seward, Alaska

[In margins:] "Omitted." "Outside Dist."

---

Locator: J. H. Batcheller.

Page 247

Date: Sept. 30, 1904.

Filed and recorded: Oct. 3, 1904.

Claim: 1000 miners inches of waters of Sweeny  
Creek, near Seward, Alaska.

[In margins:] "Omitted." "Outside Dist."

Locator: J. H. Batcheller. Page 247

Date: Sept. 28, 1904.

Filed and recorded: Oct. 3, 1904.

Claim: 2000 miners inches of waters of Independence Creek, near Seward, Alaska.

[In margins:] "Omitted." "Outside Dist."

---

Locator: J. H. Batcheller. Page 248

Date: Sept. 28, 1904.

Filed and recorded: Oct. 3, 1904.

Claim: 2000 miners inches of waters of South Independence Creek, near Seward, Alaska.

[In margins:] "Omitted." "Outside Dist."

---

Locator: W. B. Hoggatt. Page 265

Date: October 24, 1904.

Filed and recorded: Oct. 26, 1904.

Claim: All the water of Falls Creek, Berners Bay, or as much thereof as to furnish 4000 miners inches of water.

Place of intended use: Albert Lode Claim.

[In margins:] "Omitted." "Outside Dist."

---

Page 266

Locators: F. L. Goddard, J. W. Brenning and W. A. Berry.

"Located" Oct. 4, 1904.

Filed and recorded: Nov. 4, 1904.

Claim: 1000 miners inches of waters of stream (name unknown) which rises on the



2544 *Alaska-Juneau Gold Mining Company vs.*

West side of the mountain overlooking  
the Last Chance Basin, and empties into  
said Basin.

Place of intended use: Prosperity Placer Mining  
Claim.

---

Page 268

Locators: F. L. Goddard, J. W. Brenning and W.  
Berry.

“Located” Oct. 4, 1904.

Filed and recorded: Nov. 4, 1904.

Claim: 1000 miners inches of waters of stream  
(name unknown) which rises on the  
West side of the mountain overlooking  
Last Chance Basin, and empties into said  
Basin.

Place of intended use: Grand View Placer Claim.

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[2275]

Page 270

Locators: Chas. Goldstein, John Wagner and H. H.  
Folsom.

Date: September 16, 1904.

Filed and recorded: November 18, 1904.

Claim: All the water of Creek to be known as  
West Fork, heading on the Northwesterly  
side of the Summit of Mt. Juneau, directly  
below what is known as the Flag Pole.

Place of intended use: Croesus and Croesus Parallel  
Mining Claim.



Locators: Chas. Goldstein, H. H. Folsom and John Wagner.

Date: September 16, 1904.

Filed and recorded: November 18, 1904.

Claim: All the water of Creek to be known as the North Fork heading out on the North-westerly side of the Summit of Mt. Juneau, directly below what is known as the Granit Point on Mt. Juneau..

Place of intended use: Croesus and Croesus Parallel Mining Claims.

---

Locator: Don S. Rae.

Date: January 30, 1905.

Filed and recorded: March 15, 1905.

Claim: 3000 miners inches of water of Lost Rocker Falls, near Sheep Creek.

---

Locator: R. F. Lewis, by his Atty in Fact, Harry Bishop.

Date: February 28, 1905.

Filed and recorded: March 17, 1905.

Claim: 5000 inches of water of Salmon Creek.

Place of intended use: City of Juneau. [2276]

2546 *Alaska-Juneau Gold Mining Company vs.*

Locator: W. R. Lindsay.

Page 140

Date: Feb. 22, 1913.

Posted: Feb. 22, 1913.

Filed and recorded: Mar 1, 1913.

Claim: 20,000 miners inches of water flowing in  
Tease Creek, "Harris Mining District."

Place of intended use: Point on the shore of Snettisham Bay.

[In margins:] "Omitted." "Outside Dist."

---

Locator: B. B. Neiding.

Page 144

Date omitted.

Posted: Mar. 8, 1913.

Filed and recorded: Mar. 13, 1913.

Claim: 2000 miners inches of waters of Williams  
Creek, which is marked Cascade on marine chart, and is on East side of Berners Bay opposite Jualin Wharf.

Place of intended use: "Beash."

[In margins:] "Omitted." "Outside Dist."

---

Locator: B. B. Neiding.

Page 144

Date omitted.

Posted: Mar. 8, 1913.

Filed and recorded: Mar. 13, 1913.

Claim: 5000 miners inches of waters of Williams  
Creek, which is marked Cascade on marine chart, and is on East side of Berners Bay opposite Jualin Wharf.

Place of intended use: "Beach."

[In margins:] "Omitted." "Outside Dist."

Locator: Gudmund Jensen. Page 170

Date: April 7, 1913.

Filed and recorded: April 17, 1913.

Claim: 50,000 inches of water of Cowee Creek, Berners Bay Mining District.

Place of intended use: Locators mines.

[In margins:] "Omitted." "Outside Dist."  
[2277]

---

Locator: Gudmund Jensen. Page 171

Date: April 7, 1913.

Filed and recorded: April 17, 1913.

Claim: 50,000 inches of water flowing in Cowee Creek, Berners Bay Mining District.

Place of intended use: Locator's mines.

[In margins:] "Omitted." "Outside Dist."

---

Locator: P. S. Early. Page 172

Date: April 1, 1913.

Filed and recorded: April 19, 1913.

Claim: 5000 inches of water of Southeast fork of Cowee Creek, Berners Bay Mining District.

Place of intended use: Locator's mining properties.

[In margins:] "Omitted." "Outside Dist."

2548 *Alaska-Juneau Gold Mining Company vs.*

Locator: W. R. Lindsay. Page 173

Date: April 15, 1913.

Posted: April 15, 1913.

Filed and recorded: April 24, 1913.

Claim: 100,000 miners inches of waters flowing in  
Hasselborg River & Lake.

Place of intended use: Point near the mouth of said  
river.

[In margins:] "Omitted." "Outside Dist."

---

Locator: Harry Lott. Page 179

Date: Mar. 5, 1913.

Posted: Mar. 5, 1913.

Filed and recorded: May 12, 1913.

Claim: 500 miners inches of water of "this gulch,"  
the mouth of which is about 4000 feet  
Northwesterly from Little Sheep Creek.

Place of intended use: Point on the shores of Gasti-  
neau Channel. [2278]

---

Locator: Harry Lott. Page 180

Date: Mar. 5, 1913.

Posted: Mar. 5, 1913.

Filed and recorded: May 12, 1913.

Claim: 500 miners inches of water flowing in "this  
gulch," the mouth of which is about 1500  
feet Northwesterly from Little Sheep  
Creek.

Place of intended use: Point on shores of Gastineau  
Channel.

Locator: Harry Lott. Page 180

Date: Mar. 5, 1913.

Posted: Mar. 5, 1913.

Filed and recorded: May 12, 1913.

Claim: 500 miners inches of water flowing in "this gulch," the mouth of which is about 3000 feet Northwesterly from Little Sheep Creek.

Place of intended use: Point on the shores of Gastineau Channel.

---

Locator: Harry Lott. Page 181

Date: Mar. 5, 1913.

Posted: Mar. 5, 1913.

Filed and recorded: May 12, 1913.

Claim: 500 miners inches of water flowing in "this gulch," the mouth of which is about 1500 feet Northwesterly from Little Sheep Creek.

Place of intended use: Point on the shores of Gastineau Channel.

---

Locator: Harry Lott. Page 181

Date: Mar. 5, 1913.

Posted: Mar. 5, 1913.

Filed and recorded: May 12, 1913.

Claim: 1000 miners inches of water flowing in Little Sheep Creek.

Place of intended use: Point on the shores of Gastineau Channel. [2279]

2550 *Alaska-Juneau Gold Mining Company vs.*

Locator: Harry Lott.

Page 182

Date: Mar. 6, 1913.

Posted: Mar. 5, 1913.

Filed and recorded: May 12, 1913.

Claim: 500 miners inches of water flowing in "this gulch," the mouth of which is about 1000 ft. Southerly from Little Sheep Creek.

Place of intended use: Point on shores of Gastineau Channel.

---

Locator: Harry Lott.

Page 182

Date: Mar. 6, 1913.

Posted: Mar. 6, 1913.

Filed and recorded: May 12, 1913.

Claim: 500 miners inches of water flowing in "this gulch," which is situated about 1500 feet Southerly of Little Sheep Creek.

Place of intended use: Point on the shores of Gastineau Channel.

---

Locator: Harry Lott.

Page 183

Date: May 8, 1913.

Posted: May. 8, 1913.

Filed and recorded: May 12, 1913.

Claim: 1000 miners inches of water flowing in "this gulch," which flows into Sheep Creek, about 10,000 from its mouth, on the South side.

Place of intended use: Point on the shores of Gastineau Channel.

Locators: W. I. Nelson. Page 191

Date: May 15, 1913.

Filed and recorded: June 23, 1913.

Claim: 500 cubic feet per second of water of Davies  
Creek.

Place of intended use: Franklin group of claims.

[In margin:] "Omitted."

---

[2280]

Page 196

Locator: Alaska Juneau Gold Mining Company.

Posted: Aug. 15, 1913.

Filed and recorded: Aug. 16, 1913.

Claim: 1000 miners inches of water from Woods  
Gulch, a branch of Gold Creek.

Place of intended use: Power house on Gastineau  
Channel at Southeast end  
of Juneau.

---

Page 203

Locators: T. E. Krigbaum, J. J. Clarke and Geo. R.  
Dull.

"Located" Sept. 30, 1913.

Filed and recorded: Oct. 1, 1913.

Claim: 25 miners inches of water flowing in "this  
stream," situated on the South slope of  
Mount Juneau, on the North side of Gold  
Creek, and about three fourths of a mile  
from the Town of Juneau.

2552 *Alaska-Juneau Gold Mining Company vs.*

Locator: R. C. Hurley.

Page 221

Date: Jan. 31, 1914.

Posted: Jan. 31, 1914.

Filed and recorded: Feb. 3, 1914.

Claim: 100 cubic feet of water from creek situate  
on the Southwest spur of Mount Juneau,  
about one quarter mile Northwest of the  
town of Juneau.

---

Page 225

Locator: Alaska Gastineau Mining Company.

Date: Mar. 23, 1914.

Filed and recorded: April 7, 1914.

Claim: All the waters of creek of unknown name  
flowing into said creek at point at which  
notice is posted, which creek flows from  
Mt. Juneau into Gold Creek in the Jualpa  
Basin about a mile from Juneau.

Place of intended use: Property of locator.

---

Locator: R. C. Wilson.

Page 228

"Located" April 2, 1914.

Filed and recorded: April 9, 1914.

Claim: 1000 miners inches of water of Husky Creek,  
flowing into Herbert Glacier.

Place of intended use: St. Louis Mine.

[In margins:] "Omitted." "Outside Dist."

[2281]



Locator: Mrs. Ella Herner. Page 235

"Located" April 13, 1914.

Filed and recorded: April 14, 1914.

Claim: The water flowing in streams running  
through locator's placer claims, except  
enough for domestic use of occupants of  
Reynolds and Watts cabins.

Place of intended use: Locator's claims.

[In margin:] "Omitted."

---

Locators: L. G. Hill, by F. J. Wettrick; W. W.  
Casey.

Date: Feb. 11, —.

Filed and recorded: May 11, 1914.

Claim: 500 miners inches of water of "this spring,  
creek or channel."

Place of intended use: Irwin and Casey-Shattuck  
Additions to Juneau, for  
domestic purposes, &c.

---

Locator: E. P. Pond. Page 254

"Located" May 6, 1914.

Filed and recorded: May 18, 1914.

Claim: 175,000 miners inches or all of the water of  
Turner Lake and Turner Creek.

Place of intended use: Shore of Taku Inlet.

[In margin:] "Omitted."

2554 *Alaska-Juneau Gold Mining Company vs.*

Locator: N. O. Warner.

Page 255

Date: Sept. 15, 1913.

Filed and recorded: May 16, 1914.

Claim: water spring from and percolating through the hillside on locator's lot, which is situated immediately at the exterior boundary line of the municipality of Juneau, and at the intersection of the bridge crossing Gold Creek on the road leading to and from the cemetery. [2282]

Place of intended use: Plant of International Fisheries Company situated at Tee Harbor.

[In margin:] "Omitted."

---

Amended location.

Locator: B. L. Thane.

Page 36

Date omitted.

Posted: Dec. 12, 1911.

Filed and recorded: Dec. 13, 1911.

Claim: 30,000 miners inches of water of Salmon Creek.

Place of intended use: Point near the shore of Gastineau Channel.

Amended location.

Locator: B. L. Thane.

Page 36

Date omitted.

Posted: Dec. 12, 1911.

Filed and recorded: Dec. 13, 1911.

Claim: 25,000 miners inches of water of Salmon  
Creek.

place of intended use: Point near the beach of Gas-  
tineau Channel.

---

Page 37

Amended location.

Locator: "Alaska Juneau Gold Mining Company,  
by Robt. A. Kinzie, its agent and Gen-  
eral Superintendent."

Date omitted.

Posted: Dec. 15, 1911.

Filed and recorded: Dec. 16, 1911.

Claim: 20,000 miners inches of waters of Gold  
Creek.

Place of intended use: Alaska Juneau Gold Mining  
Company's property.

---

Page 39

Amended location.

Locator: Alaska Juneau Gold Mining Co., by Robt.  
A. Kinzie, its agent and General Supt.

Date omitted.

Posted: Dec. 15, 1911.

Filed and recorded: Dec. 16, 1911.

Claim: 20,000 miners inches of waters of Gold  
Creek.

Place of intended use: Alaska Juneau Gold Mining  
[2283] Company's property.

Amended location.

Locator: Alaska Juneau Gold Mining Co., by Robt.  
A. Kinzie, its agent and General Superintendent.

Date omitted.

Posted: Dec. 15, 1911.

Filed and recorded: Dec. 16, 1911.

Claim: 20,000 miners inches of water flowing  
through Nowell Hydraulic Pit, Gold  
Creek.

Place of intended use: Alaska Juneau Gold Mining  
Company's property.

Amended location.

Locator: Alaska Juneau Gold Mining Co., by Robt.  
A. Kinzie, its agent and General Superintendent.

Date omitted.

Posted: Jan. 16, 1912.

Filed and recorded: Jan. 17, 1912.

Claim: 20,000 miners inches of waters flowing  
through Nowell Hydraulic Pit, Gold  
Creek.

Place of intended use: Alaska Juneau Gold Mining  
Company's property.

Locator: B. L. Thane. Page 49

Date: Jan. 18, 1912.

Filed and recorded: Jan. 18, 1912.

Claim: 30,000 miners inches of waters of Salmon  
Creek.

Place of intended use: Power plant situated about  
2500 feet from the mouth  
of Salmon Creek.

---

Locator: C. R. Carroll. Page 63

Date: May 20, 1912.

Posted: May 20, 1912.

Filed and recorded: June 5, 1912.

Claim: 20,000 miners inches of water of Windfall  
Creek.

Place of intended use: Locator's claims.

[In margins:] "Omitted." "Outside Dist."

[2284]

---

Locator: W. R. Lindsay. Page 64

"Located" June 2, 1912.

Filed and recorded: June 10, 1912.

Claim: 2000 miners inches of water of Sheep Creek.

Place of intended use: Treadwell Mines.

[In margin:] "Omitted."

Amended location.

Locator: Jualin Mines Company, by A. N. Nadeau,  
agent and attorney in fact.

Date omitted.

Posted: June 17, 1912.

Filed and recorded: June 18, 1912.

Claim: 1000 miners inches of water of Johnson  
Creek, Berners Bay Mining District.

Place of intended use: Undine Mill Site.

[In margins:] "Omitted." "Outside Dist."

---

Locator: Penn-Alaska Mining Co., by John W. Dudley,  
its attorney in fact.

Date omitted.

Posted: June 13, 1912.

Filed and recorded: June 21, 1912.

Claim: 3000 miners inches of water of Rhine Stone  
Creek.

Place of intended use: Locator's mining claims situate about one half mile Easterly from Bishop Point, on Taku Inlet.

Page 66

Locator: Penn-Alaska Mining Co., by John W. Dudley, its attorney in fact.

Date omitted.

Posted: June 13, 1912.

Filed and recorded: June 21, 1912.

Claim: 2000 miners inches of water of Grindstone Creek.

Place of intended use: Locator's mining claims situate about one half mile Easterly from Bishop Point, on Taku Inlet.  
[2285]

---

Page 67

Locators: C. W. Young, M. A. Ferris and John Johnston.

Date omitted.

Posted: June 21, 1912.

Filed and recorded: June 25, 1912.

Claim: 10,000 miners inches of water of West fork of McGinnis Creek.

Place of intended use: Montana group of placer claims.

[In margins:] "Omitted." "Outside Dist."

Locators: C. W. Young, M. A. Ferris and John  
Johnston.

Date omitted.

Posted: June 21, 1912.

Filed and recorded: June 25, 1912.

Claim: 20,000 miners inches of water of McGinnis  
Creek.

Place of intended use: Montana group of placer  
claims &c.

[In margins:] "Omitted." "Outside Dist."

Locator: Richard Dorwaldt, agent for Golden Belt  
Mining Company.

Date: July 5, 1912.

Filed and recorded: July 18, 1912.

Claim: 5000 miners inches of water of McGinnis  
Creek.

Place of intended use: holdings of Golden Belt Min-  
ing Company.

[In margins:] "Omitted." "Outside Dist."

Locator: G. J. Swenson, by C. K. Carroll, her at-  
torney in fact.

Date omitted.

Posted: July 27, 1912.

Filed and recorded: July 30, 1912.

Claim: 10,000 miners inches of water of Montana  
Creek.

Place of intended use: Locator's quartz claims.

[In margins:] "Omitted." "Outside Dist."



Locator: R. G. Wayland.

Date: Aug. 14, 1912.

Posted: Aug. 14, 1912.

Filed and recorded: Aug. 14, 1912.

Claim: 20,000 miners inches of waters of Sheep  
Creek.

Place of intended use: Point on shore of Gastineau  
Channel at the mouth of  
Sheep Creek.

---

Locator: Alaska Gastineau Mining Company, by B.  
L. Thane, manager.

Date: Aug. 21, 1912.

Filed and recorded: Aug. 27, 1912.

Claim: 3000 inches of water of creek of unknown  
name located about one mile Northwest of  
Sheep Creek.

Place of intended use: Point on shore of Gastineau  
Channel between Sheep  
Creek and said unknown  
creek.

---

Amended location.

Locator: Peter Reilly.

Date: Aug. 14, 1912.

Filed and recorded: Aug. 26, 1912.

Claim: 20,000 miners inches of waters of Granite  
Creek.

Place of intended use: "Near by lode claims."

Locator: R. G. Wayland.

Date: Sept, 12, 1912.

Posted: Sept. 12, 1912.

Filed and recorded: Sept. 14, 1912.

Claim: 5000 cubic feet per minute of water flowing  
in creek which flows into Sheep Creek  
about 1000 feet from Gastineau Channel.

Place of intended use: Shore of Gastineau Channel  
at the mouth of Sheep  
Creek. [2287]

---

Locator: Alaska Juneau Gold Mining Company.

Date: Sept, 3, 1912.

Posted: Sept. 3, 1912.

Filed and recorded: Sept. 9, 1912.

Claim: 7000 miners inches of waters flowing in  
Glacier River or Nugget Creek.

Place of intended Use: Locator's property imme-  
diately East of Juneau.

---

Locators: C. W. Young, John Johnson, M. A. Ferris  
and Henry States.

Date: Aug. 5, 1912.

Filed and recorded: Sept. 11, 1912.

Claim: 3000 inches of water of left hand fork of Mc-  
Ginnis Creek.

[In margins:] "Omitted." "Outside Dist."

Locator: James McCloskey.

Date: Sept. 19, 1912.

Filed and recorded: Sept. 25, 1912.

Claim: 2000 miners inches of waters of Johnson  
Creek, Berners Bay.

Place of intended use: shores of Berners Bay.

[In margins:] "Omitted." "Outside Dist."

---

Locator: James McCloskey.

Date: Sept. 19, 1912.

Filed and recorded: Sept. 25, 1912.

Claim: 2000 miners inches of water of lake which is  
about one mile West of Berners Bay upon  
the Peninsula lying between Berners Bay  
and Lynn Canal.

Place of intended use: shores of Berners Bay.

[In margins:] "Omitted." "Outside Dist."

[2288]

---

Locators: Wm. Peterson and James McCloskey.

Date: Sept. 19, 1912.

Filed and recorded: Sept, 25, 1912.

Claim: 2000 miners inches of waters of a certain  
lake about a mile and a half West of the  
shores of Berners Bay on the peninsula  
lying between Berners Bay and Lynn  
Canal.

Place of intended use: shores of Berners Bay.

[In margins:] "Omitted." "Outside Dist."

Locator: Alaska Juneau Gold Mining Company.

Date: Sept. 18, 1912.

Posted: Sept. 21, 1912.

Filed and recorded: Sept. 30, 1912.

Claim: 4000 miners inches of waters flowing in  
Glacier River or Nugget Creek.

Place of intended use: Locator's mines in Silver  
Bow Basin and mill site  
East of Juneau.

Locator: G. C. Winn.

"Located" Sept. 29, 1912.

Filed and recorded: Oct. 2, 1912.

Claim: 50,000 inches of waters of Carlson Creek, a  
tributary of Taku Inlet.

Place of intended use: Taku Inlet or Lower Carl-  
son Creek.

[In margin:] "Outside Dist."

Locator: Owen Kirk.

Date: Sept. 19, 1912.

Posted: Sept. 19, 1912.

Filed and recorded: Sept. 26, 1912.

Claim: 5000 cubic feet per minute of water of Gran-  
ite Creek.

Place of intended use: Eugene and Eugene Exten-  
sion Lodes. [2289]

Locator: C. K. Carroll.

Date: Sept. 1, 1912.

Posted: Sept. 1, 1912.

Filed and recorded: Oct. 14, 1912.

Claim: 10,000 miners inches of water flowing in the  
channel of Falls Creek, which empties into  
Berners Bay.

Place of intended use: mining claims known as  
The A Jax, the B Jax and  
the Jungle.

[In margins:] "Omitted." "Outside Dist."

---

Locator: S. B. Combest.

Date: Oct. 25, 1912.

Posted: Oct. 25, 1912.

Filed and recorded: Oct. 31, 1912.

Claim: 25,000 miners inches of waters of Crater  
Creek, "Harris Mining District," which  
is about 15 miles N. E. of Snettisham.

Place of intended use: Point near the mouth of  
Crater Creek.

[In margins:] "Omitted." "Outside Dist."

Locator: S. B. Combest.

Date: Oct. 24, 1912.

Posted: Oct. 24, 1912.

Filed and recorded: Oct. 31, 1912.

Claim: 50,000 miners inches of water of Long Creek,  
"Harris Mining District," which is about  
17 miles N. E. of Snettisham.

Place of intended use: Point about one mile S. E.  
of the outlet of Crater  
Lake.

[In margins:] "Omitted." "Outside Dist."

---

Locator: C. R. Carrol.

Date: Sept. 29, 1912.

Filed and recorded: Nov. 8, 1912.

Claim: 5000 miners inches of waters flowing in the  
channel of Saw Mill Creek, Berners Bay  
Mining District.

Place of intended use: Locator's quartz mining  
claims.

[In margins:] "Omitted." "Outside Dist."

[2290]

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Locator: Alaska Gastineau Mining Company.

Date: Jan. 7, 1913.

Filed and recorded: Jan 21, 1913.

Claim: 3000 inches of water flowing in creek of un-  
known name located about 2 miles North-  
west of Sheep Creek.

Place of intended use: Sheep Creek Camp.

Locator: Alaska Gastineau Mining Company.

Date: Jan. 7, 1913.

Filed and recorded: Jan 21, 1913.

Claim: 3000 inches of water of creek of unknown name located about  $2\frac{1}{2}$  miles Northwest of Sheep Creek.

Place of intended use: Sheep Creek camp.

Locator: John Wagner.

Date: Feb. 18, 1913.

Filed and recorded: Feb. 20, 1913.

Claim: All the waters running in each and every of the draws, ravines, gullies and depressions on the Southwesterly slope of Mt. Juneau commencing at the center of the Southeastly end lines of the Boston King Extension No. 2 lode claim and running thence Southeasterly along said mountain slope at a grade of about 6/100 of a foot to the rod.

Place of intended use: Boston Mining Property on Gold Creek.

Locator: G. C. Jones.

Date: Feb. 15, 1913.

Filed and recorded: Feb. 20, 1913.

Claim: 50 cubic feet per second of water running in  
Woods Gulch.

Place of intended use: "T" Mill site, situated on  
North shore of Gastineau  
Channel one half mile  
from the Court House of  
Juneau.

[2291]

Locator: G. C. Jones.

Date: Feb. 15, 1913.

Filed and recorded: Feb. 20, 1913.

Claim: 50 cubic feet per second of water running in  
stream named Eve.

Place of intended use: "T" Mill site, situated on the  
North shore of Gastineau  
Channel about one half  
mile from the Court of  
Juneau.

Locator: G. C. Jones.

Date: Feb. 15, 1913.

Filed and recorded: Feb. 20, 1913.

Claim: 50 cubic feet of water running in stream  
named Adam.



Place of intended use: "T" Mill site which is situated on the North shore of Gastineau Channel one half mile from the court house of Juneau.

---

Page 139

Locator: Alaska Gastineau Mining Company.

Date: Feb. 10, 1913.

Filed and recorded: Feb. 28, 1913.

Claim: 40,000 inches of water of Carlson Creek.

Place of intended use: Point near the mouth of said creek upon Taku Inlet.

[In margin:] "Outside Dist."

---

Page 140

Locator: W. R. Lindsay.

Date: Feb. 22, 1913.

Posted: Feb. 22, 1913.

Filed and recorded: Mar. 1, 1913.

Claim: 200,000 miners inches of waters flowing in Speel River.

Place of intended use: Point on said river about 4 miles above the mouth thereof.

[In margins:] "Omitted." "Outside Dist."

[2292]

---

Page 139

Locators: J. H. Stephens and Tom Dull.

"Located" July 14, 1908.

Filed and recorded: Aug. 8, 1908.

2570 *Alaska-Juneau Gold Mining Company vs.*

Claim: 1500 inches of water from creek that empties  
into Auk Bay.

Place of intended use: Auk Bay.

[In margin:] "Omitted."

---

Page 141

Locator: Robt. A. Kinzie.

Date: Aug. 9, 1908.

Filed and recorded: Aug. 20, 1908.

Claim: 50,000 miners inches of water of Twin Creek,  
near Juneau.

Place of intended use: shores of Taku Inlet, Doug-  
las Island and through-  
out Harris Mining Dis-  
trict.

[In margin:] "Omitted."

---

Page 141

Locator: Robt. A. Kinzie.

Date: Aug. 9, 1908.

Filed and recorded: Aug. 20, 1908.

Claim: 100,000 miners inches of water of Lake Tur-  
ner, near Juneau.

Place of intended use: Taku Inlet, Douglas Island  
and throughout Harris  
Mining District.

[In margin:] "Omitted."

Locator: Robt. A. Kinzie by Geo. H. Wayland, his attorney in fact.

Date: Sept. 9, 1908.

Filed and recorded: Sept. 15, 1908.

Claim: 10,000 miners inches of water of Kar Creek near Juneau.

Place of intended use: Shores of Taku Inlet, Douglas Island and throughout the Harris Mining District.

[In margin:] "Omitted."

---

Locators: F. M. Shaw and G. Hain.

"Located" Dec. 1, 1908.

Filed and recorded: Dec. 29, 1908.

Claim: 800 miners inches of water from Ruby Creek, Prairie Basin, about 3 miles S. E. of T Harbor.

Place of intended use: Ruby Creek Placer.

[In margins:] "Omitted." "Outside Dist."

[2293]

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Locators: Wm. Stubbins and L. H. Keist, for the City of Douglas.

Date: Feb. 23, 1909.

Filed and recorded: Feb. 24, 1909.

Claim: 500 miners inches of water flowing in Bear Creek.

Place of intended use: City of Douglas.

Locator: Jesse Blakely.

Date: May 7, 1909.

Filed and recorded: May 8, 1909.

Claim: 1500 miners inches of water of Granite Creek.

Place of intended use: About 100 feet above Nowell  
Dam in said Creek.

---

Locators: Neil McCush and E. J. Margrie.

“Located” May 17, 1909.

Filed and recorded: May 19, 1909.

Claim: 50,000 miners inches of water from McCush  
Lake and all the waters flowng into the sd  
Lake from the adjacent water sheds and  
various sources. Said lake is situated  
above Auk Bay, Harris Mining District.

---

Locator: John Clark.

Date: July 21, 1909.

Filed and recorded: Sept. 1, 1909.

Claim: 30,000 miners inches of water of South fork  
of Eagle River.

[In margin:] “Omitted.”

Locator: A. L. Atkinson.

"Located" 8-27-1909.

Filed and recorded: Sept. 1, 1909.

Claim: 10,000 miners inches of water of Sheep Creek.

Place of intended use: Power plant on Gastineaux  
Channel.

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[2294]

Locators: C. F. Stites and John W. Clark.

Date: July 21, 1909.

Filed and recorded: Sept. 20, 1909.

Claim: 2000 miners inches of waters of Granite  
Creek.

[In margin:] "Omitted."

---

Locator: J. B. Martin.

"Located" Sept. 28, 1909.

Filed and recorded: Oct. 6, 1909.

Claim: 5000 miners inches of water per second of  
time from Ready Bullion Creek.

---

Locators: William C. Miller, George Reidi, F. E.  
Koeper and J. O. Ramstad.

"Located" Sept. 13, 1909.

Filed and recorded: Oct. 20, 1909.

Claim: All of the waters of North Windfall Creek  
at Windfall Harbor, Harris Mining Dis-  
trict.

[In margins:] "Omitted." "Outside Dist."

2574 *Alaska-Juneau Gold Mining Company vs.*

Page 170

Locators: Chris Radmilovich and Noj. Pizete.

Date: Feb. 15, 1910.

Filed and recorded: Feb. 16, 1910.

Claim: 500 inches of water of Crosscut Bay Creek,  
Harris Mining District.

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Page 171

Locators: Jacob H. Dull and Thomas Dull.

Date: Feb. 17, 1910.

Filed and recorded: Feb. 25, 1910.

Claim: 100 cubic feet of water per second of time of  
Lemon Creek.

Place of intended use: Long Chance placer &c.

[2295]

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Page 171

Locator: W. N. Lazier.

Date: Mar. 16, 1910.

Filed and recorded: Mar. 16, 1910.

Claim: 400 inches of water of certain creek emptying  
into Tee Harbor on East side thereof.

[In margins:] "Omitted." "Outside Dist."

---

Page 173

Locator: Arthur L. Pearse.

Date: Mar. 29, 1910.

Filed and recorded: April 19, 1910.

Claim: 400 inches of water of South West Fork of  
Nevada Creek, Douglas Island.

Place of intended use: Alaska Treasure Gold Min-  
ing Co.

Locator: L. D. Mulligan.

Date: Aug. 1, 1910.

Filed and recorded: Aug. 8, 1910.

Claim: 20,000 miners inches of waters of Gold Creek.

---

Locator: International Fisheries Company by William N. Lazier, agent and attorney in fact.

Date: July 21, 1910.

Posted: July 25, 1910.

Filed and recorded: Aug. 11, 1910.

Claim: All the water of lake situated at top of mountain immediately East of Tee Harbor, and all water flowing into said lake.

Place of intended use: Plant of International Fisheries Company.

[In margins:] "Omitted." "Outside Dist."

---

Locator: International Fisheries Company, by William N. Lazier, its atty. in fact and agent.

Date: July 21, 1910.

Posted: July 25, 1910.

Filed and recorded: Aug. 11, 1910.

Claim: All the water of lake situated at the top of

2576 *Alaska-Juneau Gold Mining Company vs.*

a mountain immediately East of Tee Harbor; and all water flowing into said lake.

[In margins:] "Omitted." "Outside Dist."

[2296]

Place of intended use: Plant of International Fisheries Co.

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Page 179

Locator: International Fisheries Company, by William Lazier, its agent and atty. in fact.

Date: July 21, 1910.

Posted: July 25, 1910.

Filed and recorded: Aug. 11, 1910.

Claim: All the water of lake situated on the top of the mountain immediately East of Tee Harbor; and all the water flowing into said lake.

Place of intended use: plant of the International Fisheries Co.

[In margins:] "Omitted." "Outside Dist."

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Page 179

Locator: International Fisheries Company, by William N. Lazier, its agent and atty. in fact.

Date: July 21, 1910.

Posted: July 25, 1910.

Filed and recorded: Aug. 11, 1910.

Claim: All the water of lake situated on the top of the mountain immediately East of Tee Harbor; and all the water flowing into said lake.

Place of intended use: Plant of International Fisheries Co.

[In margins:] "Omitted." "Outside Dist."



Page 180

Locator: International Fisheries Company, by William N. Lazier, its agent and atty. in fact.

Date: July 21, 1910.

Posted: July 25, 1910.

Filed and recorded: Aug. 11, 1910.

Claim: All the water of "this stream" which is near a lake 700 feet above and immediately East of the Southern portion of Tee Harbor, Alaska.

Place of intended use: Locator's plant at Tee Harbor.

[In margins:] "Omitted." "Outside Dist."

[2297]

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Page 180

Locator: George E. Bent.

Date: Aug. 15, 1910.

Posted: Aug. 15, 1910.

Filed and recorded: Aug. 17, 1910.

Claim: 1000 miners inches of water of stream flowing into Gold Creek, at a point about 1- $\frac{1}{3}$  miles from the mouth thereof.

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Page 181

Locator: George E. Bent.

Date: Aug. 15, 1910.

Posted: Aug. 15, 1910.

Filed and recorded: Aug. 17, 1910.

Claim: 1000 miners inches of water of stream flowing into Gold Creek about 1 $\frac{1}{4}$  miles from mouth thereof.

Locator: Ebner Gold Mining Company, by John R.  
Winn, its agent and attorney.

Date: Aug. 17, 1910.

Posted: Aug. 17, 1910.

Filed and recorded: Aug. 17, 1910.

Claim: All the waters of Gold Creek, to its entire  
flow during all seasons and at all time or  
times that said corporation is not already  
entitled to by reason of prior right or prior  
location or appropriation, &c.

Place of intended use: Ebner Gold Mining Com-  
pany's mines.

Locator: L. C. Bach.

Date: July 26, 1910.

Filed and recorded: Sept. 2, 1910.

Claim: 3000 inches of water per second of time of  
Marble River, about 25 mines South of  
Juneau.

Place of intended use: Marble Mountain Quarries &c.

[2298]

Locator: W. R. Lindsay.

"Located" Aug. 1, 1910.

Filed and recorded: Sept. 24, 1910.

Claim: 20,000 miners inches of water of Nugget  
Creek.

Locator: Sam Jurich.

"Located" Oct. 10, 1910.

Filed and recorded: Oct. 11, 1910.

Claim: "All the water flowing undiverted in" San  
Jurick Creek, Douglas Island.

Place of intended use: Beach of Gastineau Channel  
on Eastern side of Douglas  
Island about 3000 feet  
North of Nevada Creek.

Locator: H. T. Tripp.

Date: June 20, 1910.

Filed and recorded: Oct. 25, 1910.

Claim: 10,000 miners inches of water flowing in Gold  
Creek.

Place of intended use: Ebner Mine.

Locator: Chas. Perelle.

Date: Oct. 29, 1910.

Filed and recorded: Nov. 1, 1910.

Claim: 100 cubic feet of water per second of time of  
Lemon Creek.

Place of intended use: Plant about a half mile from  
the dam now built.

Locator: Louis G. Thomas.

Date: June 2, 1911.

Filed and recorded: Jan. 3, 1911.

Claim: 4500 miners inches of water of Jarmy Creek,  
which is first creek on the East shore North  
of the Point Sherman light house and is  
a Comet in Berners Bay Mining District.

Place of intended use: Locator's mining grounds.

[In margins:] "Omitted." "Outside Dist."

[2299]

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Locator: H. J. Maycock.

"Located" Jan. 6, 1911.

Filed and recorded: Jan. 9, 1911.

Claim: All the water flowing in Grindstone Creek,  
near point where Taku Arm and Gastineau  
Channel intersect.

[In margin:] "Omitted."

---

Amended location.

Locator: Alaska Juneau Gold Mining Company, by  
Robt. A. Kinzie, agent and general  
superintendent.

Posted: May 8, 1911.

Filed and recorded: May 8, 1911.

Claim: 20,000 miners inches of waters of Gold Creek.

Place of intended use: Point at or near Jorgenson  
saw mill on the shore of  
Gastineaux Channel and  
other points.

Locator: H. L. Wollenberg.

Posted: June 3, 1911.

Filed and recorded: June 12, 1911.

Claim: 1000 miners inches of water of Sherman  
Creek.

Place of intended use: Beach on Lynn Canal near  
the mouth of Sherman  
Creek.

[In margins:] "Omitted." "Outside Dist."

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Locator: Alaska Treadwell Gold Mining Company,  
Alaska Mexican Gold Mining Company  
and Alaska United Gold Mining Com-  
pany.

Date: June 13, 1911.

Posted: June 15, 1911.

Filed and recorded: June 9, 1911.

Claim: 20,000 miners inches of waters flowing in  
Glacier River or Nugget Creek.

Place of intended use: Point half a mile below  
where said stream comes  
from under the Menden-  
hall Glacier.

---

Locator: Martin Damourette.

Date: July 12, 1911.

Filed and recorded: July 20, 1911.

[2300]

2582 *Alaska-Juneau Gold Mining Company vs.*

Claim: 500 miners inches of water from Damourette  
Creek.

Place of intended use: Damourettes Discovery Placer  
Claim.

[2301]

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Water locations contained in Volume 11 of Placer,  
Water and Mill Site Locations.

---

Page 8

Locator: Henry States.

Date omitted.

Filed and recorded: July 31, 1911.

Claim: 2000 inches of water of "deep creek that  
enters into Hawkes Inlet near the entrance  
Admirealty Is., Harris Mining District,  
Alaska."

[In margins:] "Omitted." "Outside Dist."

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Page 12

Locator: L. P. Shackelford.

Date: Aug. 25, 1911.

Filed and recorded: Aug. 28, 1911.

Claim: 500 miners inches of water of Auk Creek.

Place of intended use: Saltwater Jack group of  
lode claims.

Locator: John W. Clark.

Date: Oct. 8, 1911.

Filed and recorded: Oct. 12, 1911.

Claim: 30,000 inches of water of Carlson Creek.

Place of intended use: "Generating plant for  
quartz claims."

[In margin.] "Outside Dist."

---

Locator: Harry Lott.

"Located" Aug. 11, 1911.

Filed and recorded: Nov. 9, 1911.

Claim: 2000 miners inches of water of head waters  
of Sheep Creek Basin.

[In margin:] "Omitted."

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Locator: International Fisheries Company, by its  
agent and attorney in fact W. N.  
Lazier.

Date: Aug. 24, 1911.

Posted: Sept. 4, 1911.

Filed and recorded: Nov. 27, 1911.

Claim: All the water of lake situate on the top of the  
mountain at Tee Harbor, Alaska; also all  
the water flowing into said lake.

[In margins:] "Omitted." "Outside Dist."

[2302]

WATER LOCATIONS CONTAINED IN VOL-  
UME 7 (J) OF LODE LOCATIONS.

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Page 136

Locator: W. F. Reed, per S. B. R.

Date: May 17, 1890.

Filed and recorded: May 28, 1890.

Claim: 500 miners inches of water of Robbins  
Creek.

Place of intended use: Tennessee lode or ledge mill.

[In margin:] "Outside H. M. D."

[2303]

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WATER LOCATIONS CONTAINED IN VOL-  
UME 8 (M) OF LODE LOCATIONS.

---

Page 187

Locators: Edward Webster and W. A. Sanders.

"Located" Sept. 18, 1891.

Filed and recorded: Sept. 22, 1891.

Claim: All water flowing in Gold Creek at Webster  
Mill Site. Lot No. 76B. 200 feet above  
the dam of the "Webster Quartz Mill."

[2304]

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WATER LOCATIONS CONTAINED IN VOL-  
UME 9 (P) OF LODE LOCATIONS.

---

Page 52

Locator: Fred A. Rice

"Located" Jan. 1, 1893.

Filed and recorded: Jan. 5, 1893.

Claim: 1000 inches of waters of Gold Creek.



Place of intended use: Point at mouth of Gold Creek where said creek flows out of Gold Creek canyon into the flat on the East shore of Gastineaux Channel.

[2305]

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WATER LOCATIONS CONTAINED IN VOLUME 11 OF LODE LOCATIONS.

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Page 33

Locator: Richard Johnson.

Date: Aug. 20, 1895.

Filed and recorded: Sept. 16, 1895.

Claim: All the water flowing in Johnson Creek, Berners Bay.

Place of intended use: "Power House."

[In margin:] "Outside H. M. D."

[2306]

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WATER LOCATIONS CONTAINED IN VOLUME 14 OF LODE LOCATIONS.

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Page 29

Locators: Denis McLaughlin, John McLaughlin and Dan Sullivan.

Date: June 21, 1898, at "William Henry Bay, Harrison District."

Filed and recorded: July 8, 1898.

Claim: 3000 inches of water of unnamed creek.

Locators: Denis McLaughlin, John McLaughlin  
and Dan Sullivan and Jerome Mc-  
Cluskey.

Date: June 21, 1898, at "William Henry Bay,  
Harrison District."

Filed and recorded: July 8, 1898.

Claim: 4000 inches of water on creek, unnamed.

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Locators: Denis McLaughlin, John McLaughlin  
and Dan Sullivan.

Date: June 21, 1898.

Filed and recorded: July 8, 1898.

Claim: 3000 inches of water of creek located on  
William Henry Bay.  
"Harrison District."

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Locators: Denis McLaughlin, John McLaughlin  
and Dan Sullivan.

"Located" June 24, 1898.

Filed and recorded: July 8, 1898.

Claim: 4000 inches of water on creek located at  
William Henry Bay,"  
"Harrison District."

WATER LOCATIONS CONTAINED IN VOL-  
UME 15 OF LODE LOCATIONS.

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Page 200

Locator: P. S. Early.

Date: Jan. 1, 1900.

Filed and recorded: Jan. 18, 1900.

Claim: 1000 cubic inches per second of water of  
"this stream."

Place of intended use: Mill "sight" at forks of  
Kowie Creek and foot of  
Yankee Basin Mountain,  
8 miles Southeast of Ber-  
ners Bay.

[In margin:] "Outside H. M. D."

[2308]

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WATER LOCATIONS CONTAINED IN VOL-  
UME 20 OF LODE CLAIMS.

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Page 169

Locator: Alaska Juneau Gold Mining Co.

Date: Nov. 5, 1911.

Filed and recorded: Nov. 9, 1911.

Claim: 20,000 miners inches of water flowing in  
Gold Creek.

Place of intended use: Aurora Lode Mining Claim.

Locator: Alaska Juneau Gold Mining Co.

Date: Nov. 5, 1911.

Filed and recorded: Nov. 9, 1911.

Claim: 20,000 miners inches of water flowing  
through Nowell Hydraulic pit, about 4  
miles up Gold Creek.

Place of intended use: Aurora Lode Mining Claim.

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Locator: Alaska Juneau Gold Mining Co.

Date: Oct. 31, 1911.

Filed and recorded: Nov. 9, 1911.

Claim: 20,000 miners inches of waters of Gold  
Creek.

Place of intended use: Aurora Lode Mining Claim.

---

Locator: B. L. Thane, by J. R. Whipple, Attorney  
in fact.

Date: Jan. 18, 1912.

Filed and recorded: Jan. 18, 1912.

Claim: 30,000 miners inches of water flowing in Sal-  
mon Creek.

Place of intended use: Power plant situated about  
2500 feet from the mouth  
of Salmon Creek. [2309]

WATER LOCATIONS CONTAINED IN VOLUME 2 (B) OF LODE CLAIMS.

Page 121

Locator: Charles Brown.

Date: Dec. 2, 1882.

Filing and Recording Date: December ———

Claim: Three miles of Takow River.

Purpose: Fishing and catching salmon and other fish.

Note: Date of posting omitted.

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Page 135

Locator: M. W. Murry.

"Located and claimed" Mar. 31, 1883.

Filing and recording date: April 8th, 1883.

Claim: "all the waters of this creek for milling and mining purposes," &c.

Name of claim: Black Bear Right, Douglas Island, Alaska.

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Page 135

Locator: M. W. Murry.

"Located and claimed" Apr. 7, 1883.

Filing and recording date: April 8, 1883.

Claim: "All the waters of this creek for milling and mining purposes," &c.

Name of claim: Bears Nest Right, Douglas Island, Alaska.

Locator: G. W. Pickett.

"Located" May 9, 1884.

Filing and recording date: May 13, 1884.

Claim: "the water of this creek (Fall Creek) for mining and milling purposes; also all of the water of all gulches and all seepage water on line of ditch. Said ditch to be constructed to the Oro Fino and Mexican Mines. The above creek is situated on Douglas Island."

Locator: J. Treadwell, Supt. Alaska Mill and Mining Co.

"Located" May 15th, 1884.

Filing and recording date: May 18, 1884.

Claim: "All of the water of this creek (Bear Creek) for mining and saw mill purposes."

Defts. Exhibit No. R 2 X. Received in evidence Aug. 13, 1914. In Case 1074-A. J. W. Bell, Clerk. By J. T. Reed, Deputy.

[2310]

Place of intended use: "About 200 yards from mouth of Creek." Douglas Island.

Locators: H. H. Edwards and Phillip Starr.

"Located" May 30, 1884.

Filing and recording date: June 5, 1884.

Claim: "All of the water in this creek (Nevada Creek) to be taken out at notice above the

Bullion and Alaska Quartz Mines. Notice for mining and milling purposes. Said creek situated on Douglas Island, Harris Mining District, Alaska Territory.

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Page 203

Locators: Ed. Alyward and John McLaughlin.

Date: June 9, 1884.

Filing and recording date: June 12, 1884.

Claim: "4000 inches of water at the mouth of this lake for milling purposes."

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Page 219

Locator: M. W. Murray.

"Located" August 16th, 1884.

Filing and Recording Date: August 25, 1884.

Claim: "The water of this creek (the first large creek above the Cowhee Creek and known as the Eagle Creek" for mining and milling purposes."

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Page 222

Locator: M. W. Murray.

"Located" Sept. 18, 1884.

Filing and recording date: September 26, 1884.

Claim: "All the water of this creek (the first large creek above the Cowhee North West and known as the Eagle Creek) for milling and mining purposes.

Locator: G. W. Pickett.

"Located" Sept. 29, 1884.

Filing and recording date: September 30, 1884.

Claim: "All the water of this creek for mining and milling purposes to be brought in a ditch to connect with Oro Fino & Mexican Co. Ditch." Said creek is situated on Douglas Island, Alaska, about two miles Southeast of Fall Creek and known as Deer Creek.

[2311]

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Date: Nov. 4, 1881.

Filed and recorded: Nov. 4, 1881.

Claim: 1000 inches of water belonging to Prospect Gulch.

Locator: John Jackson.

"Located" May 13, 1882.

Filed and recorded: May 13, 1882.

Claim: 1000 inches of water flowing to Coween Creek, Douglas Island, Harris Mining District, Alaska Territory.

Locator: Nath. Hilton.

Date: July 2, 1883.

Filed and recorded: July 3, 1883.

Claim: "500 inches of water for mining and milling purposes, at this point, about 1000 feet



above Dix & Co. Claim, to be taken from Gold Creek (in Silver Bow Basin) in ditch and extending along East bank of creek.

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Page 277

Locator: M. W. Murry.

"Located" Sept. 28, 1883.

Filed and recorded: Sept. 29, 1883.

Claim: "All the water of this creek (Big Creek) Douglas Island for milling and mining purposes."

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Page 277

Locator: M. W. Murry.

"Located" Sept. 28, 1883.

Filed and recorded: Sept. 28, 1883.

Claim: "All the water of this creek, Cowhee Creek, Douglas Island, for mining and milling purposes."

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Page 279

Locators: H. H. Edwards, R. L. Hobert, F. A. Perke.

Date: April, 1, 1881.

Filed and recorded: April 10, 1881.

Claim: "The water of this creek (supposed to be Salmon Creek) for mill purposes: Commencing at this point of rock at the head of the falls running down the creek to the lower falls to the point below said falls designated as Mill Site, distant say one half mile."

2594 *Alaska-Juneau Gold Mining Company vs.*

Locators: J. D. Sage Miller, Chas. Wells, Jo. Juneau, and R. T. Harris. [2312]

Filed and recorded: May 19, 1881.

Claim: "All the water of this gulch for milling purposes": Said water-right is in conjunction with the Takow Union Gold & Silver Quartz Mine and is situated about half a mile from Harrisburg on the Southeast side of Gold Creek in Harris Mining District, Alaska.

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Page 282

Locator: E. Bean.

Date: June 7, 1881.

Filed and recorded: June 19, 1881.

Claim: 1500 inches of the water of creek to be known as Hayes Creek on Douglas Island, A. T., to be conveyed in a ditch down to the salt water for the purpose of milling and mining.

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Page 287

Locator: Dennis De Porte

Date: Oct. 31, 1881.

Filed and recorded: Novr. 3d, 1881.

Claim: 2000 inches of water to be taken out of Gold Creek at or near a large granite boulder about 150 feet above this notice.

Place of intended use: Cosmopolitan Mill Site situated about 500 feet below Snow Slide Gulch.

Locator: S. Lewis.

Date: Oct. 31, 1881.

Filed and recorded: Nov. 3, 1881.

Claim: "Small streams for mining purposes running on" ground of Western Mill Site, situated just above the big falls of Gold Creek.

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Locators: Frank Berry, James Rosewall, John Prior; Antone Marks and William Meeham.

Date: Nov. 8, 1881.

Filing and recording date: Nov. 8, 1881.

Claim: 1000 inches of water from Ready Bullion Creek for the benefit of the Ready Bullion Quartz location, the Golden Chariot Quartz Location and the Placer Mining Location, located on the Ready Bullion Beach; also all the waters of sd Bullion Creek for mining and milling purposes.

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Locator: John Galliger. [2313]

Date: Nov. 9, 1881.

Filed and recorded: Nov. 13, 1881.

Claim: 400 inches of the water of Paris Creek for milling and mining.

Locator: W. W. Harper.

"Located" Jan. 12, 1882.

Filed and recorded: March 27, 1882.

Claim: 400 inches of water in Bonanza King Gulch  
for quartz mining purposes.

---

Locator: J. Treadwell.

"Located" April 11, 1882.

Filed and recorded: April 11, 1882.

Claim: 1500 inches of the water of Bear Creek, situated on Douglas Island about one quarter of a mile West of Juneau Island; to be used for mining and milling purposes.

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Locators: W. I. Webster and W. F. Lockwood.

Located: May 1, 1882.

Filed and recorded: May 11, 1882.

Claim: 2000 inches of water of Gold Creek, Harris Mining District, to be taken out at a point rocks about fifty feet above the dam on said Gold Creek and on the Julia Quartz Ledge for the purpose of milling and mining.

---

Locator: J. Treadwell.

"Located" April 11, 1882.

Filed and recorded: April 11, 1882.

Claim: 2000 inches of water of Big Creek, Douglas Island. [2314]

WATER LOCATIONS CONTAINED IN VOL-  
UME 4 (BI) OF LODE LOCATIONS.

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Page 19

Locators: S. Lewis and Phil Starr, by J. H. Mc-  
Cormick.

Date: Nov. 23, 1886.

Filed and recorded: Jan. 31, 1887.

Claim: 1000 inches of water of "this creek."

Place of intended use: Alaska Quartz Mining Loca-  
tion. [2315]











*In the District Court for the District of Alaska, Division No. One, at Juneau.*

No. 1074-A.

ALASKA-JUNEAU GOLD MINING COMPANY,  
a Corporation,

Plaintiff,

vs.

EBNER GOLD MINING COMPANY, a Corporation,  
et al.,

Defendants.

**Certificate of Stenographer to Transcript of  
Testimony.**

I do hereby certify that I am the official court stenographer for the First Judicial Division, Territory of Alaska; that the Honorable Robert W. Jennings, the Judge before whom the trial of the above-entitled cause was had, was, at the time of the trial of said cause, and now is, the regular presiding Judge of the First Judicial Division; that I reported the trial and proceedings in the above-entitled cause and that the foregoing is a full, true and correct transcript of all of the testimony and evidence introduced or offered at the trial of said cause, together with all of the exhibits on which the same was heard.

Dated this 20th day of December, 1915.

L. O. GREEN. [2317]

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**Findings of Fact Requested by Plaintiff.**

Be it further remembered that the above and foregoing, being all the evidence adduced, the plaintiff

requested the Court to make and adopt the following Findings of Fact:

Plaintiff then and there requested the Court to find as follows:

**PLAINTIFF'S FINDING NUMBER ONE.**

The Court finds that the plaintiff is a corporation duly organized and existing under and by virtue of the laws of West Virginia and doing business in the Territory of Alaska with its principal place of business at Juneau; that the plaintiff has paid the license fee for the year 1913 and the annual license due January 1, 1914, for the year 1914 as provided for by Chapter Eleven (11) of the 1913 Session laws of the Territory of Alaska, and is authorized to sue in the Territory of Alaska, which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number One requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as set forth in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

**PLAINTIFF'S FINDING NUMBER TWO.**

The Court finds that the defendant, Ebner Gold Mining Company, is a corporation duly organized

and existing and doing business in the Territory of Alaska,

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number One requested by the plaintiff, on the ground that said Finding is [2318] upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as set forth in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

#### PLAINTIFF'S FINDING NUMBER THREE.

The Court finds that the defendant, Alaska Ebner Gold Mines Company, is a corporation duly organized and existing and doing business in the Territory of Alaska.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Three requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER FOUR.

The Court finds that the defendant, Angus Mackey, was duly and regularly appointed, on the 29th day of June, 1912, by an Order of this Court made and entered in the case of Valdemar T. Hammer, plaintiff, vs. Alaska Ebner Gold Mines Company, defendant, an action then pending in this Court as case No. 928-A, as receiver for the Alaska-Ebner Gold Mining Company, and did on the first day of July, 1912, take his oath of office, and in all respects duly qualify as such Receiver, and is now the duly acting and qualified Receiver for the Alaska-Ebner Gold Mines Company; and that leave of Court has been duly obtained to sue him as such Receiver. [2319] which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number Four requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER FIVE.

The Court finds that Gold Creek is a natural stream of water, having its source in the mountains situate above Silver Bow Basin, a few miles easterly from the Town of Juneau, Alaska, from whence it flows through a series of basins and canyons in a westerly direction into Gastineau Channel, an arm of the Pacific Ocean, collecting the waters of various small streams and tributaries along its course,

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number Five requested by the plaintiff, on the ground that said Finding is upon material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER SIX.

The Court finds that the waters of Gold Creek were flowing in their natural channel at the point of diversion and appropriation, elsewhere in these Finding more particularly [2320] designated, on the first day of August, 1910; that on the said first day of August, 1910, *that on the said first day of*



*August, 1910*, while the said waters were flowing in their natural channel, as aforesaid, one L. D. Mulligan, who was acting in that behalf as the agent and employ and representative of the plaintiff corporation, located, claimed and appropriated twenty thousand miners inches of the waters flowing in Gold Creek at the point of diversion, elsewhere in these Findings more specifically defined, said waters so appropriated to be used in connection with the mining and milling of ores from the plaintiffs' mine in the manner elsewhere in these Findings more particularly described. And the Court finds that the said Mulligan did then and there, acting for and on behalf of plaintiff as aforesaid, post a notice on the right hand bank of Gold Creek, going up stream, at a point a short *distan* distance above where the dam of the Alaska-Juneau Gold Mining Company has since been constructed and is now maintained; the same being approximately a mile easterly and up stream from the town of Juneau and a short distance up stream from the portal of the Alaska-Juneau Tunnel, situate on the Colorado lode mining claim; that the said notice so posted by the said Mulligan is in words and figures as follows, to wit:

KNOW ALL MEN BY THESE PRESENTS: That I, L. D. Mulligan, of Alaska, a Citizen of the United States, and over the age of twenty-one years, have appropriated and claimed 20,000 miner's inches, of the water of Gold Creek, near Juneau, Alaska, to be used for mining, milling and other purposes.

Said water to be diverted from said creek at a

point indicated by this notice posted on a tree, and about one mile from the mouth of said Gold Creek.

Said water is to be diverted by ditch, pipe and flume.

(Signed) L. D. MULLIGAN.

Dated Aug. 1st, 1910.

That said above-described notice was on the 8th day of August, 1910, duly and regularly recorded in the office of the Recorder for the Juneau Recording District, which said Recording District embraces the territory through which Gold Creek flows. [2321]

Which said Finding the Court then and there refused to make.

The plaintiff, by Counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number Six requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding,

Which exception was then and there allowed by the Court.

The plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER SEVEN.

The Court finds that said L. D. Mulligan affixed his own name to said notice of appropriation, (whereas he was, in truth and in fact, acting as agent and representative of the plaintiff in that behalf); whereupon the said L. D. Mulligan, in order to place the legal and record title, to the rights acquired by

him, in the plaintiff, made, executed and delivered to the plaintiff, on the 2d of August, 1910, his certain deed, conveying and quitclaiming to the plaintiff all his right, title and interest in and to the rights acquired under and by virtue of the steps taken by him as aforesaid,

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number Seven requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding,

Which Exception was then and there allowed by the Court.  [2322]

The plaintiff then and there further requested the Court to find as follows:

**PLAINTIFF'S FINDING NUMBER EIGHT.**

The Court further finds that on the 8th day of May, 1911, the plaintiff posted an amended notice of appropriation at or near the point of diversion in these findings more particularly described, which said amended notice of appropriation is in words and figures as follows, to wit:

NOTICE IS HEREBY GIVEN, that, whereas, the Alaska Juneau Gold Mining Company did, by its agent, L. D. Mulligan, posting a notice claiming and appropriating 20,000 inches of water from the



waters *flowing* Gold Creek, which notice is in words and figures as follows:

“KNOW ALL MENT BY THESE PRESENTS: That I, L. D. Mulligan, of Alaska, a citizen of the United States and over the age of twenty-one years, have appropriated and claimed 20,000 miners inches, of the water of Gold Creek, near Juneau, Alaska, to be used for Mining, milling and other purposes.

Said water to be diverted from said creek at a point indicated in this notice, posted on a tree and about one mile from the mouth of said Gold Creek.

Said water is to be diverted by ditch, pipe and flume.

L. D. MULLIGAN.

Dated Aug. 1st, 1910.”

And, whereas, the said L. D. Mulligan acted as the agent of the undersigned in this connection, who is now the owner and holder of said right so located by said Mulligan by virtue of such agency and by virtue of conveyances from said Mulligan;

Now, therefore, the undersigned, not waiving any of its rights or abandoning any of the rights belonging to it under and by virtue of said above described notice and the work of diverting the water of Gold Creek appropriated by reason thereof, and done pursuant thereto, but for the purpose of giving a more accurate and detailed description of the beneficial uses to which said water is to be put and the place and places where the same is to be used when diverted and applied under the aforesaid notice and of the means whereby the same is to be conveyed to such place of intended use, hereby posts

and records this additional and amended notice of appropriation of water, and gives notice to all persons whatsoever that it claims and appropriates under and by virtue of such original notice as well as this amended notice 20,000 miner's inches of the waters of Gold Creek measured under a four-inch pressure for mining, milling, power and other beneficial uses, to be diverted from said creek at a point at or near the place where this notice is posted, the same being posted on the banks of Gold Creek about one mile and one-eighth ( $\frac{1}{8}$ ) above the town of Juneau about 500 feet below the Ebner mill and about 1250 feet above the Jualpa Dam and immediately at the point where the dam of the Alaska-Juneau Gold Mining Company has been constructed and where the water is diverted under the above-mentioned location notice, signed by L. D. Mulligan.

**[2323]** The water so appropriated and claimed under said notice of L. D. Mulligan and hereunder is to be diverted from Gold Creek at that point, and conveyed by means of pipes, flumes, ditches and other means of conveyance, along a proposed route running above the southerly side of the Last Chance Basin and thence around Swede Hill to a point at or near Jorgensen sawmill, on the shore of Gastineau Channel, where the same is to be applied and used for the purpose of generating power and for other purposes to be used in connection with the operation of a stamp mill at or near that point, and a portion of the water so diverted and appropriated is to be used at a point on the Corolado claim near Snow Slide Gulch for the purpose of driving a compressor

plant at that point and for the purpose of generating power at that point; and these waters so used on said Colorado claim will be conveyed by a pipe, flume and ditch along the route above indicated and taken from said pipe, flume and ditch to the extent so necessary, at said last mentioned place, if used for the purpose of furnishing power at that point as above stated. The remainder of the waters carried, not used at this point at any time, to be applied in connection with the operation of the stamp mill to be built near the Jorgenson saw mill as above stated.

NOTICE IS EXPRESSLY GIVEN, that the undersigned has not abandoned or waived any of the rights acquired under and by virtue of the notice of said L. D. Mulligan or by virtue of any of the work that it has heretofore performed looking towards the diversion and appropriation of the waters of Gold Creek or any other right or rights whatsoever it has at this present time to the waters of said creek.

Posted on the ground this 8th day of May, 1911.

ALASKA-JUNEAU GOLD MINING COMPANY.

By ROBT. A. KINZIE,

Agent and General Superintendent.

That the above-amended notice of location was on the 8th day of May, 1911, duly and regularly recorded in the office of the Recorder for the Juneau Recording District, the same being the Recording District embracing the Territory through which Gold Creek flows,

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number Eight, requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding,

Which Exception was then and there allowed by the Court. [2324]

The plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER NINE.

On the 12th day of July, 1910, the plaintiff established a survey for a ditch and flume line, which commenced at a point approximately where the Mulligan notice was posted on the following first of August, and extended thence along the hillside to the shore of Gastineau Channel where it was the intention of the plaintiff to erect a milling plant in connection with which water, diverted from Gold Creek and conveyed along the said survey line, was to be used and applied.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number Nine, requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the

case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER TEN.

That on the first day of August, 1910, the plaintiff actively commenced work, looking toward the diversion, appropriation and application to use the waters of Gold Creek, with a view of diverting said waters at a point near the point where the notice posted by the said L. D. Mulligan was posted on said first day of August, and conveying the same along the mountain side to a point on the Colorado Lode Claim, where the same was to be applied in connection with the generation of power and other mining purposes, and also conveying the same to a point on the shore of [2325] Gastineau Channel, where the plaintiff intended to apply said waters in connection with the operation of a large milling plant; and that the plaintiff did from and after said first day of August, 1910, continue said work with due diligence and without cessation or delay.

That the work done by the plaintiff was such as was necessary to divert and appropriate the waters of Gold Creek as contemplated, and was done in a manner compatible with good engineering practices, and that in this connection the plaintiff constructed a flume grade and flume line from the point of diversion, it being the point where the Alaska-Juneau dam is now situate, in the bed of Gold Creek, im-



mediately below the lower side line of the Lotta Lode Mining Claim, thence to a point on the Colorado Lode Mining Claim and thence to another point on the plaintiff's millsite, situate on the shore of Gastineau Channel near what is locally known as the Jorgenson Sawmill, the said places to which said flume and flume line were thus constructed being the places of intended use.

That the route of the said flume line extends along the hillside from the said point of diversion for a short distance to the portal of a tunnel six hundred eighty (680) feet in length driven for use in this connection, thence through said tunnel and along the hillside above the Jualpa Basin a distance of three thousand one hundred eighty three (3,183) feet until it reaches the portal of the Alaska-Juneau number three tunnel, through which it passes for a distance of about two thousand four hundred (2,400) feet to a point on the Gastineau side of Mount Roberts from whence the flume line extends along the said Gastineau side of Mount Roberts to the plaintiff's mill sites.

That the work in this connection was carried on diligently and without cessation or delay from the time that [2326] it was started on the first day of August, 1910, until the same was fully completed at a cost of approximately seventy four thousand one hundred thirty-one (\$74,131.00) dollars.

That on October 3, 1910, the work done as above stated had been carried on to such an extent that a dam had been constructed across Gold Creek at the point of diversion, the same being the identical point

where the plaintiff's dam is now maintained, and the waters of Gold Creek, to the extent of approximately five thousand (5,000) miner's inches had been diverted from their natural channel, and that on the 17th day of November, 1910, the said work had been carried forward to a sufficient extent to enable the plaintiff to convey the water so diverted from the point of diversion aforesaid to a point on the Colorado Lode Claim, where the same was then and there applied to use in connection with the operation of a compressor there situate and used to furnish compressed air for use in connection with the plaintiff's mining operations; that said waters of Gold Creek so diverted as aforesaid were conveyed through the flume so constructed and applied to use in connection with the driving of said compressor, it being one of the beneficial uses designed, and have been so conveyed, diverted and applied at all times since, except that a portion of the water so diverted and conveyed were, during the Summer of 1913 and since that time, diverted and applied upon the plaintiff's millsite as hereinafter stated, until the waters of Gold Creek were diverted by the defendants in the manner indicated in these findings.

That in the month of July, 1913, the flume and flume line above referred to had been completed the entire distance to the plaintiff's mill site, situate on the shore of Gastineau Channel, and the waters diverted from Gold Creek [2327] as aforesaid were then, to wit, in the month of July, 1913, conveyed through said flume so constructed to and upon the plaintiff's mill site on the shore of Gastineau

Channel, where the same were then applied to use in connection with plaintiff's mining and milling operations there carried on, and where the same have been so used ever since, except at such times when diverted by the defendants, as elsewhere in these Findings indicated.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number Ten, requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

#### PLAINTIFF'S FINDING NUMBER ELEVEN.

The Court further finds that at all times in these Findings mentioned, the plaintiff was and still is the owner of a large group of mining claims and mill sites, situate a short distance to the East of the City of Juneau, Territory of Alaska, which said group of mining claims and mill sites comprising what is locally known and generally referred to as "The Alaska Juneau Mine."

That a vein containing large deposits of gold bearing ore occurs on the plaintiff's group of said mining



claims, which said deposits have been mined on a small scale for more than twenty years.

That in the year 1899 a general plan was adopted [2328] by the plaintiff corporation with a view of opening up, developing and operating its said mines on a large scale, and work was then and there actively commenced to carry this plan into effect. The plan so adopted provided for the opening up of the ore bodies in the mine itself, the testing and sampling of the ores, the driving of a tunnel so driven as to connect the mine workings with a point on the Colorado Claim, the construction of a tram and railway through said tunnel, and the construction of a tram and flume line from thence to the shore of Gastineau Channel, the construction of a large milling plant at said last mentioned point, and the appropriation of the waters of Gold Creek to be diverted and applied in the manner elsewhere in these Findings indicated.

That the work so commenced in the year 1899 has ever since been carried on with the highest degree of diligence and has resulted in opening up what are believed to be among the largest deposits of gold bearing ore ever discovered, in the completion of the contemplated tunnel driven a distance of six thousand five hundred thirty-eight (6,538) feet so as to connect the workings in the plaintiff's mine with the point on the Colorado Claim above indicated, as well as the completion of four other tunnels made necessary to furnish a route for the plaintiff's tram and flume line, the construction of a tram line extending from the plaintiff's mine workings through the tun-

nel to the portal thereof and thence along the route indicated to the plaintiff's mill site, the construction of a flume and flume line and the diversion and appropriation of the waters, as elsewhere in these Findings indicated, the construction of wharves, warehouses, tramways, ore-bins, rock houses, and numerous other buildings and appliances forming a part of a milling plant, which is designed to have an ultimate [2329] capacity of twelve thousand (12,000) tons per day, in connection with the construction of which work is now being done on plaintiff's mill sites, situate on the shore of Gastineau Channel, as above indicated.

That a portion of said milling plant, containing forty (40) stamps, has been completed, and is now being used as a pilot mill.

That in addition to the tunnels and tram line, above referred to, an additional and further tunnel is being driven commencing at approximately sea level on the plaintiff's said mill site, and extending in an easterly direction to connect with the workings of the plaintiff's mines in Silver Bow Basin in order to furnish an additional route for a tram line for use in connection with the transportation of ores from the plaintiff's said mine to the plaintiff's said milling plant, and that the plaintiff has supplied itself with locomotives, cars and other necessary appliances used to convey the ores from its said mine to its said mill site.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted

to the ruling and order of the Court in refusing to find Finding Number Eleven requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

#### PLAINTIFF'S FINDING NUMBER TWELVE.

The Court further finds that on or about the 17th day of December, 1913, the defendants diverted all the waters [2330] flowing in Gold Creek at a point approximately three-fourths of a mile above the plaintiff's dam and intake without restoring the same to their natural channel until the same were carried a great distance below the plaintiff's said dam and intake, and did thereby prevent the waters flowing in Gold Creek from reaching the plaintiff's dam and intake; that the defendants have ever since continued to so divert said water, prevent the same from reaching the plaintiff's intake and are still continuing so to do, and intend to and will, unless restrained by an order of the Court, continue such diversion.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to

find Finding Number Twelve requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

#### PLAINTIFF'S FINDING NUMBER THIRTEEN.

The Court finds that by reason of the fact that the defendants have diverted the waters of Gold Creek at a point above the plaintiff's intake, the plaintiff is wholly deprived of the use of the waters flowing in said creek.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number Thirteen requested by the plaintiff, on the ground that [2331] said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER FOURTEEN.

The Court further finds that at the time the water was diverted by the defendants, the plaintiff was applying the same, the whole and every part thereof, to use in connection with the driving of its compressor plant on the Colorado Claim as aforesaid, and in carrying on its mining and milling operations on its mill site on the shore of Gastineau Channel, and that the plaintiff then and at all times ever since has required and needed the use of said water in connection with its said operations.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number Fourteen requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER FIFTEEN.

The Court further finds that at the time of the commencement of this action, the plaintiff was, and still [2332] is, and at all times hereafter will be, in position to apply to use all the waters appro-



priated by it from Gold Creek, as in these Findings indicated, in connection with its mining and milling operations, the same being the beneficial use designed at the time the appropriation was made, and that the plaintiff will require in that connection, at all times in the future, all the water so appropriated by it as aforesaid in connection with the carrying on of its said mining and milling operations, and that the plaintiff has not now sufficient power available from other sources to carry on its said operations.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and Order of the Court in refusing to find Finding Number Fifteen requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

#### PLAINTIFF'S FINDING NUMBER SIXTEEN.

The Court finds that one of the defendants, the Alaska Ebner Gold Mines Company is and was at the time of the commencement of this action insolvent.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Sixteen requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively [2333] shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER SEVENTEEN.

That the damages resulting to the plaintiff from the diversion of the water by the defendants are speculative in their nature and such that they cannot be calculated and recovered in an action at law.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Seventeen requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

**PLAINTIFF'S FINDING NUMBER EIGHTEEN.**

The Court further finds that gold was first discovered in Alaska in Silver Bow Basin in the year 1880; that shortly thereafter the Harris Mining District was duly and regularly organized so as to embrace the Territory in which gold was so discovered; that Gold Creek, as well as all and singular the property rights and other things connected therewith, to which reference is made in these Findings or in the pleadings herein, are situate within the boundaries of the Harris Mining District, which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding [2334] Number Eighteen requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

**PLAINTIFF'S FINDING NUMBER NINETEEN.**

That at a meeting of the miners of the Harris Mining District, previously organized, held in the year 1882, the Miners of said District duly and regularly



adopted the following rules with reference to the diversion and appropriation of water:

“Article I. The right to use the running water flowing in a river or stream, or down a canyon or ravine, may be acquired by appropriation.

Article II. The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such a purpose, the right ceases.

Article III. The person entitled to the use may change the place of diversion, if others are not injured by such change and may extend the ditch, flume, pipe or aqueducts by which the diversion is made to place beyond that where the first use was made.

Article IV. A water appropriation may be turned into the channel of another stream and mingled with its waters and then reclaimed, but in reclaiming it the water already appropriated by another must not be diminished.

Article V. As between appropriators, the one first in time is the one first in right.

Article VI. A person desiring to appropriate water must post a notice in writing in a conspicuous place at the point of intended diversion stating therein:

First: He claims the water there flowing to the extent of (giving the number) inches, measured under a four-inch pressure.

Second: The purpose for which he claims it, and the place of intended use:

A copy of the notice must within ten (10) days after it is posted be recorded in the books kept by the recorder of the District. [2335]

Article VII. Within twenty days, during the working season, after the notice is posted, the claimant must commence the excavations or construction of the works in which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted by rain or snow.

Article VIII. By 'completion' it is meant conducting the waters to the place of intended use.

Article IX. By a compliance with the above rules, the claimant's right to the use of the water relates back to the time the notice was posted.

Article X. A failure to comply with such rules deprives the claimant of the right to the use of the water as against a subsequent claimant who complies therewith.

Article XI. Persons who have heretofore claimed the right to water, and who have not constructed works in which to divert it, and who have not diverted nor applied it to some useful purpose, must, after this title takes effect, and within twenty days thereafter, proceed as in this title provided, or their right ceases."

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Nineteen requested by the plaintiff, on the ground that said Finding is upon a

material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER TWENTY.

That all and singular the rules, elsewhere set up in these Findings as having been adopted by the miners of the Harris Mining District, have been, from the time of their adoption, generally observed by the miners of said District.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Twenty requested by the plaintiff, on the ground that [2336] said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER TWENTY-  
ONE.

That from and after the time that gold was first discovered in the Territory, it has been the general custom among the miners of the Harris Mining District, seeking to appropriate the waters of running streams, to post a notice at or near the point of intended diversion, stating the quantity of water claimed, measured in miners inches, the purpose for which it was claimed and the place of intended use, and to record said notice within ten (10) days after the same was posted, with the Recorder for the Recording District in which the stream, the waters of which were sought to be appropriated, was situated.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the court in refusing to find Finding Number Twenty-one requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER TWENTY-  
TWO.

The Court further finds that the notice posted by

H. T. Tripp, and elsewhere referred to in the Findings of the Court, was not recorded until the 25th day of October, 1910. [2337]

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there expected to the ruling and order of the Court in refusing to find Finding Number Twenty-two requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER TWENTY-THREE.

The Court further finds that no work of any character was done, looking towards the diversion and appropriation of the waters of Gold Creek under or pursuant to the notice posted by H. T. Tripp, and elsewhere referred to in the Findings of the Court, until after the 6th day of August, 1910.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Twenty-three requested by the plaintiff, on the ground that said Finding is upon

a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER TWENTY-FOUR.

The Court further finds that the months of July and August form part of the working season in the Harris Mining District which said Finding the Court then and there refused to make. [2338]

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Twenty-four requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER TWENTY-FIVE.

The Court further finds that the Parish No. 2



Lode Claim, referred to in the Answer herein, was held by a final judgment of this court to have had no validity or existence at any time referred to in these Findings, and that said pretended lode claim was entirely void; that a judgment was rendered in the case of the Ebner Gold Mining Company against The Alaska-Juneau Gold Mining Company, the same being cause No. 835-A on the docket of this court, and in this connection the Court finds that said pretended lode claim is and at all times herein mentioned was void, fictitious and of no effect and not the property of the defendants, either, or any of them.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Twenty-five requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court. [2339]

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER TWENTY-SIX.

The Court further finds that the plaintiff had no knowledge of the fact that the notice posted by H. T.

Tripp, during the latter part of the month of June, 1910, had been posted or that any such notice was in existence until some time after it had caused the notice, posted by L. D. Mulligan on the first day of August, 1910, to be posted and recorded and until after work had been commenced by the plaintiff looking towards the diversion and appropriation of the waters of Gold Creek, as elsewhere in these Findings set forth, and that the first time that the plaintiff had received any knowledge or information that such notice had been posted, or was in existence at all, was some time in the month of September, 1910.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Twenty-six requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER TWENTY-SEVEN.

The Court further finds that the Ebner Gold Mining Company, one of the defendants, had been for a long time prior to August, in the year 1910, the



owner of a group of [2340] lode mining claims situate on the banks of Gold Creek, and that it had been engaged for some years past in working these claims on a small scale; that in this connection a twenty-stamp mill had been constructed upon the property at a point a considerable distance up stream from the lower end thereof and the waters of Gold Creek had been diverted and applied to use in connection with these operations; that a dam had been built for this purpose, as well as a flume line to convey the waters to said mill, and that the waters so diverted and applied were turned back into the natural waters of Gold Creek at a point above the intake of the plaintiff and above the point where the plaintiff caused the notice, signed by L. D. Mulligan, to be posted; that prior to the year 1910 and after the said twenty-stamp mill had been constructed and was set in operation, the said Ebner Gold Mining Company, with a view of enlarging its milling capacity, adopted plans to construct a new and enlarged mill on the Lotta lode mining claim, at a point between the said twenty-stamp mill and the point where plaintiff's intake is situate and above the intake of the plaintiff, and that in this connection the said Ebner Gold Mining Company constructed a mill building in which to install and house machinery and stamps, but did not install the machinery or stamps in said building, but did build a flume from the Ebner dam to a point above said building so as to enable it to divert the waters of Gold Creek and convey the same to said building for use therein, which said building was so situate that

if the waters of Gold Creek were diverted and applied to use in connection with the operations of a mill or other appliances at that point, the same would be turned back into the natural channel of Gold Creek a [2341] considerable distance above the plaintiff's dam and intake since constructed, and in this connection the Court finds that said building, together with the flume leading from a point above it to the Ebner dam, were actually on the ground and in position at the time this action was commenced and during the months of June and August in the year 1910.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Twenty-seven requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER TWENTY-EIGHT.

The Court further finds that on the first of August, 1910, the plaintiff had no knowledge of the fact that the defendants or either or any of them in-

tended to erect a milling plant at any point further down Gold Creek than the site of the plaintiff's dam and intake, or, that the defendants or either or any of them intended to appropriate the waters of Gold Creek and convey the same to any point below the plaintiff's dam and intake.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Twenty-eight requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the [2342] evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER TWENTY-NINE.

The Court further finds that the defendants decided to construct a milling plant in the vicinity of Shady Bend, a point below the plaintiff's dam and intake on the 6th day of August, 1910.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Twenty-nine requested by the

plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

#### PLAINTIFF'S FINDING NUMBER THIRTY.

The Court finds that none of the defendants herein, except the Ebner Gold Mining Company, owned any interest in any mining claim or other real property situate in the Harris Mining District or elsewhere in the Territory of Alaska, prior to the first day of August, 1910, or for a long time thereafter.

Which said Finding the Court then and there refused to make. [2343]

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Thirty requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER THIRTY-  
ONE.

The Court finds that at all times during the months of June, July and August in the year 1910, the Ebner Gold Mining Company was the owner of a group of mining claims locally known as the "Ebner Group" and also as the "Ebner Mine" property; that the most southerly claim belonging to this group and the claim farthest down Gold Creek is and was the Lotta lode claim, and that the lower or southerly side line of the said Lotta claim forms the lowermost boundary of the property belonging to the said Ebner Gold Mining Company, and that the said Ebner Gold Mining Company did not during the months of June, July or August in the year 1910 own or possess any mining claim or other right or interest in property to which the waters of Gold Creek could be conveyed lower down the creek than the said lower side line of the said Lotta claim; and that the point near Shady Bend selected on the 6th day of August as a site for a milling plant did not at that time, nor at any time during June, July or August, 1910, or for a long time thereafter, belong to the said Ebner Gold Mining Company, or any of the other defendants in this action, which said Finding the Court then and there refused to make. [2344]

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Thirty-one requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings,



and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

# PLAINTIFF'S FINDING NUMBER THIRTY-TWO.

That the notice posted by H. T. Tripp in the month of June, 1910, elsewhere referred to in these Findings, was posted at the intake of the Ebner flume, then situate upon the ground and on the right-hand side of Gold Creek going up stream, it being the side of the stream where the water entered the then existing flume.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Thirty-two requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER THIRTY-  
THREE.

That the Ebner dam and the Intake of the Ebner flume, where the notice posted by H. T. Tripp, elsewhere [2345] referred to in these Findings, was posted, is situate upon one of the mining claims owned by the Ebner Gold Mining Company, and could not be reached by anyone without entering upon the property of said Ebner Gold Mining Company.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Thirty-three requested by the plaintiff, on the ground that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER THIRTY-  
FOUR.

The Court further finds that while the Ebner dam is visible from certain points along the Silver Bow Basin road, the road is so far distant from said dam that anyone passing along the same could not see a notice there posted sufficiently well to determine the



character of the same, read the same or otherwise inform himself concerning the same, except that it might be seen that a piece of paper was there posted, but a paper so posted would not be visible to anyone passing along said road, except at one or two points and then for a short distance only, the distance from the point where said notice was posted to the point on said highway where the same might possibly be seen being approximately one hundred fifty feet.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Thirty-four requested by the plaintiff, on the ground [2346] that said Finding is upon a material issue of fact presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court.

Plaintiff then and there further requested the Court to find as follows:

PLAINTIFF'S FINDING NUMBER THIRTY-FIVE.

The Court further finds that the notice posted by H. T. Tripp at the intake of the Ebner flume during the month of June in the year 1910, which said notice is more definitely described and referred to elsewhere in the Findings of the Court, was torn down

during the latter part of July, in the year 1910.

Which said Finding the Court then and there refused to make.

The plaintiff, by counsel, then and there excepted to the ruling and order of the Court in refusing to find Finding Number Thirty-five requested by the plaintiff, on the ground that said Finding is upon a material issue of facts presented by the pleadings, and is based upon and supported by all the evidence in the case, and for the reason that the evidence conclusively shows the facts to be as stated in said Finding.

Which Exception was then and there allowed by the Court. [2347]

### **Conclusions of Law Requested by Plaintiff.**

The plaintiff also requested the Court to adopt as the conclusions of the Court the following:

#### **CONCLUSION OF LAW NO. 1.**

The Court concludes from the Findings made that the plaintiff is the prior appropriator of five thousand miners inches of the waters of Gold Creek, and has as against the defendants, and each and all of them, a right to the use of five thousand miners inches of the waters of Gold Creek to be diverted at the plaintiff's present dam and conveyed to the points of use indicated in the Findings.

Which request of the plaintiff was then and there denied by the Court, to which ruling and order of the Court, the plaintiff, by counsel, then and there excepted, on the grounds, among others, that the Conclusion of Law requested followed from the facts as found by the Court and also from the facts as proven

upon the trial by the evidence adduced by the parties.

Which Exception was then and there allowed by the Court.

The plaintiff further requested the Court to adopt as a Conclusion of Law, from the evidence and the facts found, the following Conclusion:

### CONCLUSION OF LAW NO. 2.

From the Findings made, the Court concludes that the defendant, The Ebner Gold Mining Company, has wrongfully and without right diverted the waters of Gold Creek at a point above the plaintiff's intake in such a manner as to wholly deprive the plaintiff of the use of the water appropriated by it, and threatens to and will continue to so divert said water and deprive the plaintiff of the use thereof unless enjoined by the Court.

Which request of the plaintiff was then and there denied by the Court, to which ruling and order of the Court, the plaintiff, by Counsel, then and there excepted, on the grounds, among [2348] others, that the Conclusion of Law requested followed from the facts as found by the Court and also from the facts as proven upon the trial by the evidence adduced by the parties.

Which Exception was then and there allowed by the Court.

The plaintiff further requested the Court to adopt as a Conclusion of Law, from the evidence and the facts found, the following Conclusion:

### CONCLUSION OF LAW NO. 3.

From the Findings made, the Court concludes that

the plaintiff has no plain, speedy or adequate remedy at law, and that it can obtain no relief except in a court of equity.

Which request of the plaintiff was then and there denied by the Court, to which ruling and order of the Court, the plaintiff, by Counsel, then and there excepted, on the grounds, among others, that the Conclusion of Law requested followed from the facts as found by the Court and also from the facts as proven upon the trial by the evidence adduced by the parties.

Which Exception was then and there allowed by the Court.

The plaintiff further requested the Court to adopt as a Conclusion of Law, from the evidence and the facts found, the following Conclusion:

#### CONCLUSION OF LAW NO. 4.

From the Findings made, the Court concludes that the defendants should be enjoined from interfering with or diverting the waters of Gold Creek to the extent of five thousand miners inches, or to interfere with the flow of the first five thousand miners inches flowing in Gold Creek at the point where plaintiff's dam and intake is situate: [2349]

Which request of the plaintiff was then and there denied by the Court, to which ruling and order of the Court, the plaintiff, by Counsel, then and there excepted, on the grounds, among others, that the Conclusion of Law requested followed from the facts as found by the Court and also from the facts as proven upon the trial by the evidence adduced by the parties.

Which Exception was then and there allowed by the Court. [2350]

**Findings of Fact and Conclusions of Law.**

Be it further remembered that the Court thereupon made and adopted its Findings of Fact and Conclusions of Law, which are as follows:

I.

That the defendant, the Ebner Gold Mining Company, was, prior to the filing of the complaint of plaintiff herein, and at the time of the trial of said cause, and now is, a corporation, duly organized and existing under the laws of the Territory of Alaska, and as such has complied with all of the rules respecting corporations doing business in the Territory of Alaska, and has paid its license fees as provided for by Chapter 11 of the Session Laws of 1913 of the Territory of Alaska, and is authorized to sue and maintain suits, actions and proceedings in said Territory of Alaska, and that the remaining defendants are merely nominal and not necessary defendants.

II.

That the said Ebner Gold Mining Company is the principal defendant in this case, the other defendants are not necessary parties to the action, but are made defendants by reason of the facts alleged in the complaint, and they are in no wise connected with the ownership of the property hereinafter referred to, or in any wise connected with the water right in question so as to affect the determination of this case. The Ebner Gold Mining Company was for a long time prior to the commencement of this action, and was at the trial of the same, the owner of a large



number of contiguous quartz mining claims and mill sites in Silver Bow Basin near Juneau, Alaska. That these mining claims carry and contain gold in great value in the form of a low grade milling ore. That the upper end lode claims lie high up in the mountains and the mill sites in the valley below; that Gold Creek flows over and across the said group of lode claims commencing at the upper [2351] end thereof, then, in its course, winds its way down to the mill sites of said company; the said creek is a mountain stream with considerable fall and rapids, and at certain seasons of the year carries quite a large volume of water, and, at other seasons the flow of water is somewhat small by reason of cold weather. That for 15 or 20 years prior to the commencement of this action by the plaintiff, the Ebner Gold Mining Company had been mining and milling the ores taken from some of their claims at the upper end of the group and for said purpose constructed, operated and maintained part of the time a 10-stamp quartz mill and part of the time a 15-stamp quartz mill located at the upper end of the group of claims, and in connection with the quartz mill constructed and maintained ore bunkers, air-compressor and all buildings, equipment and machinery necessary for successfully operating said mill, mining and milling and treating the ores taken from said upper end lode claims. That for the purpose of power in the mining and milling of said ore, the said company diverted and appropriated and used from Gold Creek water, all the water that was necessary for the purposes above referred to. This diversion of water from

Gold Creek was also made at the upper end of the group of claims and taken off of the property of the defendant company, used for the purpose above mentioned, and returned to Gold Creek.

### III.

That sometime about 1908, and a long time prior to the commencement of this action, the Ebner Gold Mining Company and its general manager and president, William M. Ebner, concluded to open up the said mining property and mine, mill and treat the ores taken therefrom upon a larger scale than it had theretofore been operating said mines, and to that end and purpose it was concluded to drive a large working tunnel, commencing said tunnel at the lower end of the property upon what is known as Cape Horn No. 2 lode claim belonging to said company, thence driving said tunnel through said group of claims to the upper end of the same to the [2352] old workings, which said tunnel would crosscut the formation and show up the values of the property, as well as to serve as a working tunnel. They also concluded upon building and constructing and equipping a large stamp-mill of about 150 or 200 stamps at or near the portal of said crosscut and working tunnel and to build and construct a flume and pipeline to take from Gold Creek a large quantity of water and convey it from a point at or near where the water had been diverted from the creek in connection with the said 15-stamp mill, which is at the upper end of the group of claims, to a point near the portal of the tunnel and at the place where it was decided to erect the 150 or 200-stamp mill, and to



erect such other buildings and install such other machinery so as to carry out the plans decided upon.

That during the year of 1909 one H. T. Tripp, an experienced mining engineer, was employed by persons interested in said group of mining claims of the Ebner Gold Mining Company to look over, examine and explore said mining property and to report on the advisability of opening up and mining said property on a larger scale, as had been decided on by the said William M. Ebner, and the said Ebner Gold mining Company. That said Tripp made a thorough examination of the property, its formation, the ore body or bodies, and the water of Gold Creek flowing there through, and reported favorably on what the said Ebner and Ebner Gold Mining Company had concluded to do. That Tripp completed his work and made his report about the last of June or the first of July, 1910.

That the plaintiff then and there objected and excepted to Finding No. III as made by the Court, on the following grounds:

That said Finding is contrary to the evidence, is not supported by sufficient evidence and does not, either in whole or in part, conform to the facts proven on the trial. Special objection is made and exception taken to said part of the Finding reading as follows: "and to that end and purpose it was concluded to drive a large working tunnel, commencing said [2353] tunnel at the lower end of the property upon what is known as Cape Horn No. 2 lode claim belonging to said company," for the reason that the evidence conclusively shows that William M. Ebner

never contemplated the driving of any such tunnel as is therein referred to, but expected to build a mill on what is known as the Lotta claim, and open up and develop the mine from that point.

Special objection is made and exception taken to that part of the language quoted, reading as follows: "Cape Horn No. 2 lode claim belonging to said company," on the ground that the evidence conclusively shows that said company had no title, right or interest to the Cape Horn #2 lode claim at the time referred to, nor at the time of the commencement of this action, or at any other time, at least not until a long time after the commencement of this action.

Special objection is made and exception taken to that part of the Finding, reading as follows: "They also concluded upon building and constructing and equipping a large stamp-mill of about 150 or 200 stamps at or near the portal of said crosscut and working tunnel and to build and construct a flume and pipe-line to take from Gold Creek a large quantity of water and convey it from a point at or near where the water had been diverted from the creek in connection with the said 15-stamp mill, which is at the upper end of the group of claims, to a point near the portal of the tunnel and at the place where it was decided to erect the 150 or 200-stamp mill, and to erect such other buildings and install such other machinery so as to carry out the plans decided upon."

Special objection is made and exception taken to the language above last quoted on the ground that the evidence conclusively shows that it was the intention of William M. Ebner to build and erect a

large milling plant on the Lotta lode mining claim, the same being a point above the plaintiff's intake, and to [2354] there use the waters diverted from Gold Creek so as to return them to Gold Creek before plaintiff's intake was reached; that neither said Ebner or any one else ever conceived the idea of building a flume and conveying the water from the point mentioned in the language last quoted to the point herein referred to, until after the 6th day of August, 1910, six days after the plaintiff's right to the waters of Gold Creek had been initiated.

Which said Finding, having been adopted by the Court over the objection of the plaintiff, the Exception of the plaintiff so taken to the making of said Finding, was then and there allowed by the Court.

#### IV.

The Court further finds that as early as October, 1880, the miners in and near the vicinity of Juneau and Silver Bow Basin, including the territory covered by the Ebner Company's group of mining claims, diverted and appropriated water from streams to be used for mining and other beneficial purposes and ever since about that date it has been the universal practice and general custom for any person or corporation desiring to appropriate water for the purposes last above mentioned to post a notice in writing in a conspicuous place at the intended point of diversion on the creek or stream from which the water is expected to be diverted or taken; that the posting of such notice has always been considered under such general custom of miners as the first step taken looking towards the appropriation and

applying the water to mining or some other beneficial use as well as showing the intention of the person or corporation posting the notice and giving warning and notice to others of the poster's intention of utilizing such water.

And the Court further finds that the posting of the notice in the manner above mentioned does serve the purpose above [2355] stated. That the said H. T. Tripp knew of the above mentioned custom, and while examining and exploring the group of mining claims of the said Ebner Gold Mining Company as stated in these Findings, on the 29th day of June, 1910, attached to a board and posted in a conspicuous place on the Ebner Gold Mining Company's dam, which had been constructed for the purpose of diverting the water and conducting it to the 15-stamp mill, a written notice claiming 10,000 miner's inches of water of the said Gold Creek, which said notice is as follows:

#### “NOTICE OF WATER.

Notice is hereby given to all whom it may concern that I the undersigned claim 10 thousand miner's inches of the water flowing in this creek or any part of 10 thousand miner's inches that may be flowing at any season of the year to be conveyed by ditch, flume or pipe along the bank of Gold Creek with pipe or flume or both to any place on the property known as the Ebner Mine or to carry across or farther than the limits of the said mine property. This location is made on the ground this day and date and is posted at the place known as the Ebner dam about 1- $\frac{3}{4}$  miles

up from Juneau, Alaska, on Gold Creek.

Dated this 20th day of June, 1910.

Time—7:30 A. M.

Locator—H. T. TRIPP.

Witness: JOHN SOINI.”

That said notice could be plainly seen from a public highway which runs up Gold Creek and in close proximity to said dam on which said notice was posted. That while said H. T. Tripp signed or affixed his own name to the notice, the said making out of said notice and posting of the same, and said step so taken looking towards the applying of said amount of water to use for mining or other beneficial purposes, was done by the said Tripp on behalf of and for the said group of mining claims of the Ebner Gold Mining Company and parties interested therein, and said water was intended to be conducted down over and across the said group of mining claims from the point of intake of the said defendant company to the mill site and tunnel portal on the Cape Horn No. 2 claim at the lower end of the Ebner property, and there to be used and applied to the air-compressor and the new mill to be built, [2356] and for mining purposes generally, as had been contemplated under the Ebner and Tripp scheme of opening up, mining and operating said property on a larger scale as had been referred to in these Findings.

That the plaintiff then and there objected and excepted to Finding No. IV as made by the Court, on the following grounds:

That the same is contrary to the evidence and not supported by sufficient evidence and does not con-



form to the facts proven on the trial. The plaintiff objects and excepts that portion of the Finding wherein it is found that the miners of the Harris Mining District posted a notice at the point of intended diversion on the creek or stream from which water was expected to be diverted or taken pursuant to a custom. Objection to this part of the Finding is based on the fact that the evidence conclusively shows that the posting of a notice in the Harris Mining District was not pursuant to a custom but pursuant to a written rule upon that subject.

Objection is further made and exception taken to that portion of the Finding No. 4 where it is held that the posting of such notice was always considered under the general custom of miners as the first step taken looking toward the appropriation and applying of water. This objection and exception is based on the ground that there is no evidence that the miners considered any custom as the first step, or that there was any custom to post notices whatsoever. The evidence conclusively shows that the posting of a notice was pursuant to a written rule, and that there is no evidence in the record as to how the miners considered this posting with reference to whether or not it was the first step or any other step.

The plaintiff especially objects and excepts to the following language contained in said last mentioned Finding, "That said notice could be plainly seen from a public highway which runs up Gold Creek and in close proximity to said dam on which said notice was posted," for the reason [2357] that the fact as shown by the evidence is that the point at

which said notice was posted, that is to say, the Ebner dam, is situated a considerable distance, to wit, many yards, from the wagon-road leading up Silver Bow Basin, and is so situate that even the dam itself can only be seen at one or two small points on the road, and the distance is so great that nowhere on the road could anyone passing there see anything more than a white paper, if such paper was posted there containing a notice, and would not be able to discern what said paper was, what writing it might contain, or what its object or purpose was.

Objection and exception is further made and taken to that portion of said Finding wherein it is found as a fact that said Tripp in posting the notice referred to in said Finding was acting for or on behalf of the said group of mining claims of the Ebner Gold Mining Company and the parties interested therein, for the reason that the evidence conclusively shows that said Tripp at that time was in the employ of F. L. Underwood and the California-Nevada Copper Company, who had no interest whatsoever in said properties, except that they had an option upon some of the stock of the Ebner Gold Mining Company; and that said Tripp was not employed by the Ebner Gold Mining Company or anyone authorized to act for or on behalf of said Company, and was never authorized or directed by said Company or any of its agents or employers to make any location of water for or on its behalf, or to take any steps whatsoever looking toward the appropriation, diversion and application to use of any of the waters of Gold Creek, or to do anything whatsoever for or on behalf



of the said Ebner Gold Mining Company, but the said Tripp was employed by the said Underwood and the said California-Nevada Copper Company for the sole purpose of making an examination of the properties for them while they had an option [2358] to purchase some of the stock of the Company, and had no other or further interest in the property and no authority whatsoever to act for or on behalf of the Ebner Gold Mining Company or anyone else interested in the properties of said company or in the Ebner mine.

Special objection is further made and exception taken to the following language occurring in said Finding, "that said water was intended to be conducted down over and across the said group of mining claims from the point of intake of the said defendant company to the mill site and tunnel portal on the Cape Horn No. 2 claim at the lower end of the Ebner property and there be used and applied to the air-compressor and the new mill to be built, and for mining purposes generally, as had been contemplated under the Ebner and Tripp scheme of opening up, mining and operating said property on a larger scale as has been referred to in these findings." Objection is made and exception to this language for the reason that the evidence conclusively shows that Tripp, the party therein named, never had in mind the construction of a mill or other appliance at the point indicated in said Finding; that the evidence conclusively shows that the said Tripp in examining the property recommended to his employers, Underwood and California-Nevada Copper Company, three

schemes in accordance with which the said mining claims might be opened up on a larger scale. One of these was to build a mill on the Lotta mining claim, the other was to build a mill at a point on the opposite side of the creek in the vicinity of where the Alaska-Juneau bunk-house was since built and the other was to build a mill at a point on the creek between the place selected and referred to in the evidence as the Mackey mill site and the Lotta claim, but Tripp never indorsed the feasibility of building a mill on what is referred to as the Mackay mill site on the Cape Horn [2359] No. 2 claim; but that no one had ever determined upon any particular mill site until the 6th day of August, 1910, when the company's directors, accompanied by a number of engineers, went upon the ground and concluded to erect a mill, not at any one of the points recommended by Mr. Tripp, but at the point on the Cape Horn No. 2 mining claim, referred to in the evidence as the Mackay mill site; that Tripp did not intend to convey the water to any one of the points recommended by him as feasible mill sites, nor to the point on the Cape Horn No. 2, referred to as the Mackay mill site, he, Tripp, not knowing what point would be selected as a future mill site.

Special objection is made and exception taken to that part of the language above quoted, reading as follows, "to the mill site and tunnel portal on the Cape Horn No. 2 claim at the lower end of the Ebner property," for the reason that the evidence conclusively shows that the lower end of the Ebner property was composed of the lower side line of the Lotta

claim at all times prior to the commencement of this suit and for a long time subsequent thereto, and that the Cape Horn No. 2 claim was at all times last mentioned the property of three parties, and that neither the Ebner Gold Mining Company nor any of the defendants in this action had or claimed any interest in said Cape Horn No. 2 claim.

Which said Finding having been adopted by the Court over the objection of the plaintiff, the Exception of the plaintiff so taken to the making of said Finding, was then and there allowed by the Court. [2360]

## V.

The Court further finds that the action of said Tripp in posting of said notice mentioned in the finding above set forth was the first step taken by anyone looking towards the future diversion and appropriation of the water of Gold Creek, and said action of said Tripp was prior to any step taken by plaintiff, or any intention made manifest by plaintiff, of taking any water from Gold Creek and applying it to mining or other beneficial use, and was prior to the posting of any water location notice by said plaintiff.

That not until after the defendant had followed up its first step, namely, posting of notice, by the actual physical work at the point where its notice was posted, and after actual diversion of the water at such point, did the plaintiff do anything that would give notice to the defendant of any claim that the plaintiff intended to make to the water of Gold Creek, or do anything looking to the appropriation

of water, or indicating any intention or desire to appropriate the waters of Gold Creek.

That the plaintiff then and there objected and excepted to Finding No. V as made by the Court, on the following grounds:

That the same is contrary to the evidence, not supported by sufficient evidence, and is not in accord with the facts as proven on the trial. Objection is made and exception taken to the first paragraph of said Finding, wherein it is found that said Tripp in posting said notice took the first step taken by anyone looking towards the appropriation of the waters of Gold Creek, and the action of Tripp was prior to any step taken by plaintiff, or any intention made manifest by the plaintiff in that behalf.

This objection and exception is based, first upon the ground that the evidence conclusively shows that any step taken by Tripp would be immaterial as far as this action is concerned, because he was not in the employ of the Ebner Gold Mining Company or authorized to act for or on its behalf, and also on the ground that the evidence conclusively shows [2361] that the plaintiff had taken steps by making surveys and doing other preliminary work looking toward the diversion and appropriation *of was as* afterwards made, a long time before said notice was posted by said Tripp.

Special objection and exception is made and taken to paragraph two of Finding V, reading as follows, "That not until after the defendant had followed up its first step, namely, posting of notice, by the actual physical work at the point where its notice was

posted, and after actual diversion of the water at such point, did the plaintiff do anything that would give notice to the defendant of any claim that the plaintiff intended to make to the water of Gold Creek, or do anything looking to the appropriation of water, or indicating any intention or desire to appropriate the waters of Gold Creek, excepting only the posting of the notice referred to in the complaint as the Mulligan notice." Special objection and exception is made to this paragraph above quoted in that the evidence conclusively shows that the Ebner Gold Mining Company nor any one or more of the defendants ever posted a notice on Gold Creek as indicated in said Finding, at least not until the notice posted by John R. Winn, on behalf of the Ebner Gold Mining Company, was posted late in the month of August in the year 1910. And for the further reason that the evidence conclusively shows that the plaintiff caused to be posted on the shores of Gold Creek at the point where the present Alaska-Juneau dam is situate, a notice in words and figures as follows:

KNOW ALL MEN BY THESE PRESENTS:  
That, I, L. D. Mulligan, of Alaska, a citizen of the United States, and over the age of twenty-one years, have appropriated and claimed 20,000 miner's inches, of the water of Gold Creek, near Juneau, Alaska, to be used for mining, milling and other purposes.

Said water to be diverted from said creek at a point indicated by this notice posted on a tree, and about one mile from the mouth of said Gold Creek.



Said water is to be diverted by ditch, pipe and flume.

Dated Aug. 1st. 1910.

(Signed) L. D. MULLIGAN. [2362]

That said notice was posted by said Mulligan as the employee and agent of the plaintiff, and while said notice was signed by the said Mulligan in his own name, he did so as the agent and employee, for and on behalf of the plaintiff, and did on the 2d day of August, 1910, by a deed, convey to the plaintiff the paper title to the water located by him as above stated in order to vest in the plaintiff the legal and paper title thereto, as far as the records were concerned, which deed, together with the notice was duly and properly recorded August 8, 1910, in the office of the Recorder at Juneau, the same being the Recording District for the Territory through which Gold Creek flows and within which said notice was posted.

That on the first day of August, 1910, being the same day on which said notice was posted, the plaintiff commenced work looking towards the diversion of the waters of Gold Creek, at a point in the vicinity of said notice, and their application to the beneficial use designed, and continued work from and after said first day of August, 1910, with the highest degree of diligence and with as much speed and expedition as the conditions would admit of, employing as many men at all times as it was possible to use in that connection, until the waters were actually diverted and applied to use in the manner and at the times indicated in the complaint and a long time prior to the commencement of this action; that the work so

conducted by the plaintiff, from and after the first day of August, 1910, when the same was commenced, was carried on continuously until the water was so applied to use without cessation, without delay, and that all the work done by the plaintiff was such as to indicate to any person the fact that the same was being done for the purpose of diverting and appropriating the waters of Gold Creek in the manner that the same were afterwards diverted and appropriated. [2363]

That in addition to this and on or about the 12th day of July, 1910, the plaintiff established a survey line commencing from the point of intended diversion, near where the Mulligan notice was posted August 1, 1910, along the hillside, along the course of the flume and ditch line intended to be constructed, to the places of intended use, to wit, a point on the Colorado lode claim and a point on the shore of Gastineau Channel in the vicinity of the Jorgensen saw mill, at which last named points the waters were afterwards applied to the beneficial use designed; that the running of said survey line, as well as any and all of the work done by the plaintiff, as above stated, was such as would give notice to anyone of the purpose of the plaintiff to divert and appropriate the water in the manner that the same was afterwards diverted and appropriated; that neither the defendant, the Ebner Gold Mining Company, nor any one of the defendants, did anything looking toward the diversion nor appropriation of the waters of Gold Creek until some time after the 6th day of August, 1910, that being after the plaintiff had already a



considerable crew employed at and in the vicinity of the proposed point of diversion, doing work necessary in connection with the diversion and appropriation of the water, as above indicated.

And further because the evidence conclusively shows that no diversion of the waters was made by the defendant, or any one of the defendants, until after the plaintiff had actually applied to use the waters diverted and appropriated by it to the extent of, at least, five thousand miner's inches.

The evidence conclusively shows that a long time prior to the diversion of the waters by the defendants, or anyone of them, as indicated in Finding V, the defendants not only could have had notice of the plaintiff's intention, because of the work done by plaintiff, but had actual notice [2364] thereof, in fact the evidence conclusively shows that they had actual notice of all of said facts a few days after the posting of said notice by the said Mulligan on August 1, 1910, which said Finding, having been adopted by the Court over the objection of the plaintiff, the Exception of the plaintiff so taken to the making of said Finding, was then and there allowed by the Court.

## VII.

That by certain mesne conveyances said H. T. Tripp a long time before the commencement of this action assigned or conveyed whatever right or title he acquired by reason of posting the notice signed by him, to the defendant, Ebner Gold Mining Company.

That work was commenced under said Tripp

notice and those for whom said water was located and their successors in interest have proceeded with due diligence with their work in the opening up and developing of said mining property and the application of the water of Gold Creek under said notice to actual use. The tunnel mentioned in these findings which had been decided upon to be driven by said Tripp and Ebner was soon after the filing of said notice surveyed out, commencing at the lower end of the said group of claims on Cape Horn No. 2 lode claim, and extending to the upper end of said group of claims to what is known as the old Ebner workings, about the point of the 15-stamp mill, and had been driven at the time of the commencement of this action 2600 feet and taps the ore bodies of said group of claims at various depth, being from the bottom of said tunnel to the surface about ——— feet. That a right of way was surveyed out for a high line flume which had been decided upon by said Ebner and Tripp, said survey commencing at the point where the Tripp location notice was posted and extending around the hillside across the Ebner property to a point near the portal of the tunnel and the mill site, which said flume is 3-¾ feet by 4 feet and [2365] about 4000 feet long, and has a carrying capacity of approximately 3200 miner's inches of water, and had been completed at the time of the commencement of this action. Lumber and material were purchased for a 200-stamp mill, and most of the machinery bought to equip said mill, the mill site graded at or near the portal of said tunnel, and at or near the point where the water was to be conveyed. That on

the 14th day of September, 1910, water was diverted from Gold Creek at a point where the Tripp notice was posted, said water run through a large open cut made for the purpose of laying the new flume, and this diversion of the water from Gold Creek was prior to any diversion therefrom made by the plaintiff herein. The new flume line above referred to was completed from a point on Gold Creek where the Tripp notice was posted to the penstock of said Company on the 15th day of December, 1910. Work was commenced on the tunnel above referred to on or about the — day of —, 1910, and was diligently and actively kept up, said tunnel being 8 feet by 8 feet, and as above stated had been driven 2600 feet at the time of the commencement of this action, and at the time of filing the answer in this cause there had been over 4000 feet of tunnelling, cross cuts and drifts completed. That before the commencement of this action a large new air-compressor plant had been erected near the mouth of the tunnel and a pipe-line leading from the penstock above mentioned to the air-compressor, and in August, 1913, said pipe-line was connected up with said air-compressor and the water used for power in running the same, and said air-compressor was used in continuing the driving of the new tunnel referred to in *these* finding and has been applied to that use ever since said last mentioned date. Prior to the commencement of this action the lumber and material referred to herein for the building of the 200-stamp mill as well as the machinery for the equipment of the said mill had been purchased and forwarded to Juneau, Alaska,

and most of the same on the mill site near the place of [2366] the erection of the new mill. That since the commencement of this action and at the time of the trial of the same, work has progressed on said property with due diligence and from time to time larger quantities of water taken from Gold Creek through the said new flume and applied to use by the defendant company as necessity demanded.

That the plaintiff then and there objected and excepted to Finding No. VII, as made by the Court, on the following grounds:

That the same is contrary to the evidence, is not supported by sufficient evidence and is contrary to the facts proven on the trial. The defendant especially objects and excepts to that part of the Finding wherein it is found that by mesne conveyance H. T. Tripp, prior to the commencement of this action, assigned or conveyed whatever right or title he acquired, by reason of posting the notice referred to in the Finding, to the defendant, The Ebner Gold Mining Company. Especial objection is made and exception is taken to this part of the Finding. First, because it is immaterial. Second, the conveyances by Tripp to the Ebner Gold Mining Company was after the commencement of this action. Third, because any attempted conveyance by Tripp to the said Ebner Gold Mining Company, as referred to in the Finding under consideration, was long after the rights of the plaintiff had attached and long after it had already diverted, appropriated and applied to the beneficial use designed a quantity of water flowing in Gold Creek amounting to approximately five

thousand miner's inches.

Objection is made and exception is more especially taken to that part of the Finding reading as follows, "that work was commenced under said Tripp notice and those for whom said water was located and their successors in interest have proceeded with due diligence with their work in the opening up and developing of said mining property and the application of the water of Gold Creek under said notice to actual use." [2367] This portion of the Finding is objected to and excepted to because the evidence conclusively shows that work was not commenced looking towards the appropriation and diversion of any of the waters of Gold Creek by the defendants, or any of them, of any of their predecessors in interest, until after the 6th day of August, 1910, and that the same was not prosecuted with any degree of diligence, but that some intermittent work was done between the 6th of August and the December following; that at that time all work ceased, and that when work so ceased, the flume or ditch had not been completed to the point of intended use so that the water could be conveyed thereto, nor had the waters of the creek been diverted or any attempt made to apply the same to use, and that thereafter work was not resumed in connection with the diversion and appropriation of said water for a period of about twenty-four months, and that no work whatsoever was done on the property, either in connection with the diversion or appropriation of water or otherwise for a period of about sixteen months, and that there was an absolute lack of diligence on the part of the de-



fendants and each and all of them in this connection.

And the evidence further conclusively shows that none of the work done in this connection by any one or more of the defendants was done under the Tripp notice, but that any and all work so done was done without any reference to the Tripp notice and without any knowledge on the part of any of the parties doing the same that the Tripp notice had any existence.

Objection is further made and exception taken to that part of the Finding wherein it is found that shortly after the posting of the Trip notice work was commenced on the tunnel in said Finding referred to, for the reason that the evidence conclusively shows that nothing was done in that [2368] direction until about the 15th day of August, 1910, and that whatever was then done was not done under any plans conceived by either Tripp or Ebner, but was done in accordance with plans adopted after the 6th day of August, 1910, and for the further reason that any work in connection with said tunnels is immaterial in so far as the issues in this case are concerned.

Objection is made and exception taken to that part of the Finding reading as follows: "That a right of way was surveyed out for a high-line flume which had been decided upon by said Ebner and Tripp, said survey commencing at the point where the Tripp location notice was posted and extending around the hillside across the Ebner property to a point near the portal of the tunnel and the hill site, which said flume is about 4000 feet long and had been completed at the time of the commencement of

this action.” This part of the Finding last quoted is objected to and excepted to for the reason that the evidence conclusively shows that no right of way was ever surveyed for a high-line flume commencing at the point where the Tripp notice was posted to the point indicated in said Finding, but that the right of way that was surveyed was not surveyed along a line decided upon by Ebner or Tripp, but along a line decided upon by the Directors of the California-Nevada Copper Company after August 6, 1910, and commenced at a point on the opposite side of Gold Creek from where the Tripp notice was posted and extended along the hillside to where the Mackay mill site was, some time after the date above mentioned, selected.

That the evidence conclusively shows that the Tripp notice was posted at the intake of the old Ebner flume on the opposite side of the creek from where the intake of the new flume was placed, and that the Tripp notice was so posted as to indicate an intention to enlarge the water right that the defendant had to take the water along the old Ebner [2369] flume and convey the same to some point on the property of the company, where the same would be used and turned back into Gold Creek above the intake of the plaintiff.

Objection is made and exception taken to that part of the Finding referring to the purchase of material for a 200-stamp mill to be erected on the mill site graded at the point referred to in the Finding, for the reason that at the time of the trial of this action and a long time prior to its commencement the par-



ties then in charge of the property had abandoned any attempt to erect a mill at that point and were contemplating the erection of a mill on the shore of Gastineau Channel so that all of said Finding relating to the matters last referred to is immaterial.

Objection is made and exception taken to that part of the Finding under consideration that reads as follows: "That on the 14th day of September, 1910, water was diverted from Gold Creek at a point where the Tripp notice was posted, said water run through a large open cut made for the purpose of laying the new flume, and this diversion of the water from Gold Creek was prior to any diversion therefrom made by the plaintiff herein," for the reason that the evidence conclusively shows that no diversion of the waters of Gold Creek was made by the defendants or any one of them or any of their predecessors until a long time after the date therein named and until the plaintiff had actually diverted the waters of the creek and applied the same to the beneficial use designed.

Objection is made and exception taken to that part of the Finding under consideration, which reads as follows: "The new flume line above referred to was completed from a point on Gold Creek where the Tripp notice was posted to the penstock of said company on the 15th day of December, 1910," for the reason that the evidence conclusively shows that no flume was ever built from the point where the Tripp notice [2370] was posted except the old Ebner flume, which was already in existence at the time of the posting of said notice, and for the further rea-

son that the flume that actually was built was not completed at the time referred to in this Finding, but was completed at a time more than two years thereafter and after the plaintiff had already diverted the waters of Gold Creek at its dam and conveyed the same to the place of intended use and there applied the same to the beneficial use designed.

Objection is made and exception taken to that part of the Finding next following the portion above last quoted, relating to the driving of the tunnel therein referred to on the ground, first, that said part of the Finding is immaterial, and, second, that the work in connection with the driving of said tunnel was not carried on diligently or actively but spasmodically and periodically, and that work ceased in that connection for a period of more than one year at one time.

Which said Finding, having been adopted by the Court over the objection of the plaintiff, the Exception of the plaintiff so taken to the making of said Finding, was then and there allowed by the Court.

#### VIII.

The Court further finds that at the time the plaintiff in this case claims that the defendants were wrongfully depriving said plaintiff of the use of the water of Gold Creek, the defendants were using the same, and it was necessary for the defendants to have the same to progress with their said work. That it has been necessary at all times for defendant to have the use of said water. [2371]

#### IX.

That the tunnel being driven by the defendant, the

Ebner Gold Mining Company, referred to in these findings, is being driven through the group of Ebner lode mining claims, known as the Ebner mine, being the group of lode mining claims for the benefit of which said water was located by said Tripp, as aforesaid, and all of the work in connection with the development and opening up of the ore bodies in said group of claims since the location of said water by said Tripp has been done with diligence, and \$351,000.00, more or less, expended in opening up such ore bodies in said Ebner group of lode mining claims, and the work was at the time of the trial still progressing with diligence. That all of said work was being done for the purpose of opening up the Ebner group of lode mining claims as a mine so that the bodies of ore within the exterior boundary lines of said group of claims could be opened up and mined, and the ores milled and treated, and the precious metals extracted therefrom.

That the plaintiff then and there objected and excepted to Finding No. IX as made by the Court, on the following grounds:

That the same is contrary to the evidence, not supported by sufficient evidence and the facts therein found are not in harmony with the facts proven on the trial. Especial objection is made and exception taken to that part of the Finding above referred to, reading as follows: "That the tunnel being driven by the defendant, the Ebner Gold Mining Company, referred to in these Findings, is being driven through the group of lode mining claims for the benefit of which said water was located by said

Tripp, as aforesaid." The part of the Finding last quoted is objected and excepted to because the evidence conclusively shows that the tunnel referred to does not pass through the group of Ebner Gold Mining Company's claims known as the Ebner mine, being the group [2372] of lode mining claims for which the benefit of said water was located by said Tripp, for the reason that at the time of the said attempted location by the said Tripp and the said Tripp notice was posted, the property of the Ebner Gold Mining Company consisted of a group of lode claims, the lowermost of which was the Lotta lode mining claim, the lowermost portion of which was above the plaintiff's intake and dam, so that the waters of Gold Creek could not be used upon any part of the Ebner Gold Mining Company's property, which was known and referred to as the Ebner mine, without returning the same to Gold Creek at a point above the plaintiff's dam and intake; and further that this was the condition of affairs at the time the notice of the plaintiff was posted, August 1, 1910, and for many months thereafter, while the work of the plaintiff was progressing; that at the time above mentioned and for a long time thereafter and until after the plaintiff had completed its appropriation by applying to use the waters diverted, the Cape Horn No. 2 lode mining claim, as well as all the other property through which the said tunnel was driven, belonged to parties other than the Ebner Gold Mining Company, and the Ebner Gold Mining Company had no right, title or interest and further that

of which facts were shown by the records as the evidence shows.

The evidence conclusively shows that whatever waters were located by Tripp were intended to be used at some point above the plaintiff's intake in such a manner as to return the same to Gold Creek before the plaintiff's intake was reached.

Objection is made and exception taken to the remaining portion of said Finding on the ground that the evidence conclusively shows that the work done looking toward the development of the property as herein referred to was not done with any degree of diligence, but was done periodically and that for a period of more than one year, at least, no work whatsoever was done in that direction. [2373]

Which said Finding, having been adopted by the Court over the objection of the plaintiff, the Exception of the plaintiff so taken to the making of said Finding, was then and there allowed by the Court.

## X.

With reference to the rules and regulations which plaintiff sets out in its reply and claims were adopted by the miners of Harris Mining District in 1882, covering and governing the appropriation and diversion of water from streams for mining and other beneficial uses, the Court finds, after careful consideration of the evidence and the law relating to such rules and regulations, that they never were followed by the miners and were never put in force, or, if they ever were followed or put in force, they fell ~~into~~ <sup>became</sup> obsolete before the rights of ~~the~~ <sup>the</sup> ~~plaintiff~~ <sup>plaintiff</sup> were claimed.



be initiated, and that they are inconsistent with the general laws of the United States and could not be in force since the extension of organized government to Alaska in the year of 1884, and are therefore of no effect in the determination of the issues in this case.

That the plaintiff then and there objected and excepted to Finding No. X as made by the Court, on the following grounds:

That the same is contrary to the evidence, is not supported by the evidence and is wholly contrary to the facts actually proven on the trial. **Objection** is made and exception taken to that part of Finding X, which reads as follows: "With reference to the rules which plaintiff sets out in its reply and claims were adopted by the miners of Harris Mining District in 1882, covering and governing the appropriation and diversion of water from streams for mining and other beneficial uses, the Court finds, after careful consideration of the evidence and the [2374] law relating to such rules and regulations, that they never were followed by the miners and were never put in force." The part of the Finding contained in the language above quoted is objected and excepted to on the ground that the evidence conclusively shows that in the year 1882 the miners of the Harris Mining District, which had been previously organized, duly met and adopted the rules referred to in said Finding and set up in the Plaintiff's Reply, which were then reduced to writing and from time to time published in pamphlet form and circulated among the miners. And further that

each and all of said rules, especially those relating to the posting and recording of notices, and the commencement of work and relating to the requisites of a notice of appropriation, as well as the rule relating to the relation back, were universally followed by all the miners of the Harris Mining District from the time of their adoption in 1882 until the time of the trial and at the time when the rights of the parties in this action initiated, to wit, the year 1910, said rules and each and all of them were in full force and effect and were observed universally by the miners of the Harris Mining District, and that there is no evidence whatsoever in the record to indicate that these rules were never followed by the miners of the Harris Mining District, or that there ever was a time since their adoption when they were not followed by the miners of the said Harris District.

Objection is made and exception taken to that part of the Finding under consideration reading as follows, "or, if they ever were followed or put in force, they fell into disuse and became obsolete before the rights of either of the parties to this action were claimed to be initiated." The part of the Finding included in the language last quoted is objected to and excepted to because there is no evidence whatever proving or tending to prove, or in any wise indicating, that the rules above mentioned or any of them ever fell into [2375] disuse or become obsolete before the rights of the parties to this action had been initiated, or at any other time or times whatsoever, but on the contrary that the evidence conclusively shows that each and all of said rules



were followed and observed universally by the miners of the Harris Mining District at all times from their adoption up to the time of the trial of this cause, and that always during all said times, they were regarded by the miners of the Harris District as the law of the district.

Objection is made to the balance of the Finding following the portion last quoted, and exception taken thereto on the ground that neither said rules nor any of them are in conflict with the general laws of the United States or any of such laws.

Which said Finding, having been adopted by the Court over the objection of the plaintiff, the Exception of the plaintiff so taken to the making of said Finding, was then and there allowed by the Court.

## XI.

The Court further finds that the work of diversion, appropriation and application of the water from Gold Creek by the defendants herein was prosecuted to completion with reasonable diligence from the time of the inception of said right.

That the plaintiff then and there objected and excepted to Finding No. XI as made by the Court, on the following grounds:

That the Finding is not supported by the evidence, is contrary to the evidence and the facts as therein found are not in accord with the facts as proven on the trial. Special objection is made to and exception taken to the said Finding for the reason that the evidence conclusively shows that the work of [2376] diversion and appropriation and application of the waters of Gold Creek by the defendants

was not prosecuted to completion with reasonable diligence or any degree of diligence whatsoever in that for a period of more than twenty-four months, while the plaintiff's work was in progress, no work whatsoever was done by the defendants or any of them, or any of their predecessors in interest, looking towards the diversion or appropriation of the waters of Gold Creek, and that there was such a long period when no work was done as to indicate an utter abandonment of any rights that might prior thereto have been claimed by the defendants, or either one or more of them.

Which said Finding, having been adopted by the Court over the objection of the plaintiff, the Exception of the plaintiff so taken to the making of said Finding, was then and there allowed by the Court.

Whereupon the Court, having found the facts as aforesaid, it adopted its Conclusions of Law based upon the facts so found, as follows:

## CONCLUSION OF LAW.

### I.

That as against the plaintiff, the defendant is the owner of and entitled to the first use of 10,000 miner's inches of water, to be taken from Gold Creek at or in the vicinity of the place where the Tripp notice was posted.

To which action of the Court in so concluding, the plaintiff excepted on the ground

That the facts as found by the Court do not warrant said conclusion and on the further ground that the facts actually proven at the trial show that the plaintiff diverted and appropriated the waters of

Gold Creek at a point below the intake of the defendant, the Ebner Gold Mining Company, referred to in said Conclusion, long prior to the inception of any right on the [2377] part of the defendants or either or any of them, and that the plaintiff has a prior right to the use of the waters so diverted and appropriated by, it to the extent of approximately five thousand miner's inches, and that any right the defendant, the Ebner Gold Mining Company, or any other defendant, may have is subsequent to and subordinate to said right of plaintiff.

Said Conclusion having been adopted by the Court over the plaintiff's objection as aforesaid, plaintiff's Exception so taken was then and there allowed by the Court.

## CONCLUSION OF LAW.

### II.

That whatever rights plaintiff has in the water of Gold Creek by reason of anything set forth in its complaint, is subsequent, inferior and subordinate to the rights of the defendant, as set forth in these Findings.

To which action of the Court in so concluding, the plaintiff excepted on the ground

That the same is not warranted by the facts found by the Court and that the facts proven on the trial conclusively show that the appropriation of the plaintiff was prior in point of time to that of the defendants or any of them, and that the plaintiff under its appropriation so made is entitled to five thousand miner's inches of the waters of Gold Creek, which right is prior to and has precedence over the

rights of the defendants or any of them.

Said Conclusion having been adopted by the Court over the plaintiff's objection as aforesaid, plaintiff's Exception so taken was then and there allowed by the Court. [2378]

## CONCLUSION OF LAW.

### III.

That the plaintiff is not entitled to the relief asked for or to any relief.

To which action of the Court in so concluding, the plaintiff excepted on the ground

That the same is not warranted by the facts found by the Court, nor by the facts proven upon the trial.

Said Conclusion having been adopted by the Court over the plaintiff's objection as aforesaid, plaintiff's Exception so taken was then and there allowed by the Court. [2379]

NOW comes the plaintiff and presents this Bill of Exceptions, and asks that same be settled, allowed and signed by the Court and made a part of the record herein, and that the Court do certify that the above and foregoing contains all the evidence adduced and proceedings had in this cause.

HELLENTHAL and HELLENTHAL,

Attorneys for the Plaintiff.

### **Order Settling and Allowing Bill of Exceptions.**

AND now this matter coming to be heard on the motion of the plaintiff, asking that the above and foregoing be signed, settled and allowed as a bill of exceptions herein, and made a part of the record, and that the Court certify that the same contains all the

evidence adduced and proceedings had, and the Court being fully advised in the premises, now signs, settles and allows the above and foregoing, as a full, true and correct bill of exceptions herein, and orders that the same be made part of the record herein, and the Court hereby certifies that the above and foregoing bill of exceptions so signed, settled and allowed by the Court contains all the evidence adduced upon the trial of the cause entitled.

ALASKA-JUNEAU GOLD MINING COMPANY, a Corporation,

vs.

THE EBNER GOLD MINING COMPANY, a Corporation, THE ALASKA-EBNER GOLD MINES COMPANY, a Corporation, ANGUS MACKEY, as Receiver for the ALASKA-EBNER GOLD MINES COMPANY, and DOWNIE D. MUIR,

—same being cause No. 1074-A, in which the same is entitled and contains a full and complete record of all the proceedings had, and is in all respects a true, full, accurate and complete bill of exceptions in this cause and I hereby certify that the same was [2380] filed and presented within the time allowed therefor by the Court.

Signed in open court this 27th day of December, in the year 1915.

ROBERT W. JENNINGS,

Judge.

[Endorsed]: Filed in the District Court, District of Alaska, First Division. Jan. 17, 1916. J. W. Bell, Clerk. By ———, Deputy. [2381]



*In the District Court for the District of Alaska,  
Division Number One, at Juneau.*

No. 1074-A.

ALASKA-JUNEAU GOLD MINING COM-  
PANY, a Corporation,

Plaintiff,

vs.

THE EBNER GOLD MINING COMPANY, a  
Corporation. THE ALASKA-EBNER  
GOLD MINING COMPANY, a Corpora-  
tion. ANGUS MACKAY, as Receiver for the  
ALASKA-EBNER GOLD MINING COM-  
PANY, and DOWNIE D. MUIR,

Defendants.

### **Judgment and Decree.**

This cause came on for trial before the above-entitled court on the 22d day of July, A. D. 1914, plaintiff appearing by its attorneys, Hellenthal & Hellenthal, and defendants appearing by their attorneys, Winn & Burton, and the Court having heard the testimony offered and submitted by the respective parties, and the argument of respective counsel, and having taken said cause under advisement, and fully considered the proof submitted by plaintiff and defendants, and considered the law, and having made, rendered and filed in writing its Findings of Fact and Conclusions of Law, and in its Findings of Fact and Conclusions of Law found that the Ebner Gold Mining Company, a Corporation, one of the defendants herein, is the real party defendant in interest,

now, on motion of the said last-mentioned defendant, renders this its final order and decree herein:

IT IS NOW THEREFORE ORDERED, ADJUDGED and DECREED,

1. That the plaintiff herein take nothing by reason of its complaint.

2. As against the plaintiff herein, the [2382] defendant, the Ebner Gold Mining Company, is entitled to the first and paramount use of the water of Gold Creek to the extent of 10,000 miner's inches of water, if so much be in said creek, and be useful or necessary for defendant's use or uses for mining and milling purposes, or any other beneficial purpose to be taken from said creek where said defendant's dam is constructed, to wit: near the lower boundary line of and on defendant's patented lode claim known as the Golden Fleece, or to be taken from any other point on said Gold Creek on the property of the defendant company between the said last-mentioned point and plaintiff's intake.

3. In order to make this decree and final judgment more specific in its details as to the matters referred to in the pleadings and Findings of Fact herein, the map hereto attached marked exhibit "A" shows the relative location of the flume and pipelines and other points referred to in this decree and the Findings of Fact and Conclusions of Law.

4. That the defendants have and recover of and from the said plaintiff, Alaska-Juneau Gold Mining Company, their costs and disbursements herein to be taxed according to law, and let execution issue therefor.



Done in open court this 30th day of July, A. D. 1915.

The plaintiff excepts to the signing of the foregoing decree and an exception is allowed plaintiff.

The plaintiff is hereby given five months from the date of the above decree to present and file a bill of exceptions in the above-entitled cause.

ROBERT W. JENNINGS,  
Judge. [2383]



MAP OF THE  
EBNER PROPERTIES  
AND ADJACENT CLAIMS  
Near Juneau,  
ALASKA  
Scale 200:1"



*In the District Court for the Territory of Alaska,  
Division Number One, at Juneau.*

Case No. 1074-A.

ALASKA-JUNEAU GOLD MINING COM-  
PANY, a Corporation,

Plaintiff,

vs.

THE EBNER GOLD MINING COMPANY, a  
Corporation, THE ALASKA-EBNER  
GOLD MINES COMPANY, a Corporation,  
ANGUS MACKEY, as Receiver for the  
ALASKA-EBNER GOLD MINES COM-  
PANY, and DOWNIE D. MUIR,

Defendants.

**Petition for an Appeal.**

The above-named Alaska-Juneau Gold Mining Company, a corporation, appellant herein, conceiving itself aggrieved by the judgment and decree rendered herein on the thirtieth day of July, 1915, adjudging and decreeing, among other things, that the plaintiff should take nothing by reason of its complaint and that as against the plaintiff, the defendant, the Ebner Gold Mining Company is entitled to the first and paramount use of the water of Gold Creek to the extent of ten thousand miner's inches under the conditions and circumstances in said decree and judgment mentioned, which said judgment and decree was signed and entered by the Honorable Robert W. Jennings, Judge of the above-entitled court, on the date above mentioned, and was ren-

dered in favor of The Ebner Gold Mining Company, a corporation, The Alaska-Ebner Gold Mines Company, a corporation, Angus Mackey, as Receiver for the Alaska-Ebner Gold Mines Company, and Downie D. Muir, and against the Alaska-Juneau Gold Mining Company, a corporation, does hereby appeal from said judgment [2385] and decree to the United States Circuit Court of Appeals for the Ninth Circuit, and prays that this its appeal may be allowed, and that a transcript of the record and proceedings and papers upon which said judgment and decree was made duly authenticated may be sent to the United States Circuit Court of Appeals for the Ninth Circuit; and that the above-named appellant does further pray that it may be allowed an appeal from said judgment and decree and from the whole and every part thereof to the said United States Circuit Court of Appeals for the Ninth Circuit as prayed for; and appellant further prays that it may be given a supersedeas herein in order that the decree complained of may not be enforced against it, until the errors herein complained of can be reviewed by the said United States Circuit Court of Appeals for the Ninth Circuit.

HELLENTHAL & HELLENTHAL,  
J. A. HELLENTHAL,  
S. HELLENTHAL,

Attorneys for Appellants.

And now, to wit, on the 21 day of April, 1916, it is ordered that the appeal herein be allowed as above

prayed for, and the bond on appeal is fixed at five thousand dollars.

ROBERT W. JENNINGS,  
Judge.

Due service by copy of the within admitted this 25 day of April, 1916.

WINN & BURTON,  
Attorneys for Appellees.

Entered Court Journal No. M., page 35.

Filed in the District Court, District of Alaska,  
First Division. Apf. 26, 1916. J. W. Bell, Clerk.  
By C. Z. Denny, Deputy. [2386]

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*In the District Court for the Territory of Alaska,  
Division Number One, at Juneau.*

Case No. 1074-A.

THE ALASKA-JUNEAU GOLD MINING COM-  
PANY, a Corporation,

Plaintiff,

vs.

THE EBNER GOLD MINING COMPANY, a Cor-  
poration, THE ALASKA-EBNER GOLD  
MINES COMPANY, a Corporation, ANGUS  
MACKEY, as Receiver for the ALASKA-  
EBNER GOLD MINES COMPANY, and  
DOWNIE D. MUIR,

Defendants.



*United States Circuit Court of Appeals for the  
Ninth Circuit, Holden at San Francisco.*

THE ALASKA-JUNEAU GOLD MINING COM-  
PANY, a Corporation,

Appellant,

vs.

THE EBNER GOLD MINING COMPANY, a Cor-  
poration, THE ALASKA-EBNER GOLD  
MINES COMPANY, a Corporation, ANGUS  
MACKEY, as Receiver for the ALASKA-  
EBNER GOLD MINES COMPANY, and  
DOWNIE D. MUIR,

Appellee.

**Assignment of Errors.**

Comes now the Alaska-Juneau Gold Mining Com-  
pany, a corporation, appellant herein, and assigns  
the following errors made by the trial court as the  
errors upon which the said appellant will rely for a  
reversal of the decree rendered herein.

**FIRST ERROR ASSIGNED.**

That the District Court for the Territory of  
Alaska, Division Number One, erred in refusing to  
make and adopt Finding No. 1, as requested by the  
appellant, which proposed [2387] *proposed* Find-  
ing of Fact No. 1 is in words and figures as follows:

**Plaintiff's Finding Number One.**

The Court finds that the plaintiff is a corporation  
duly organized and existing under and by virtue of  
the laws of West Virginia and doing business in the  
Territory of Alaska with its principal place of busi-



ness at Juneau; that the plaintiff has paid the license fee for the year 1913 and the annual license due January 1, 1914, and the year 1914 as provided for by Chapter Eleven (11) of the 1913 Session laws of the Territory of Alaska, and is authorized to sue in the Territory of Alaska.

## SECOND ERROR ASSIGNED.

That the District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 2, as requested by the appellant, which proposed Finding of Fact No. 2 is in words and figures as follows:

### Plaintiff's Finding Number Two.

The Court finds that the defendant, Ebner Gold Mining Company, is a corporation duly organized and existing and doing business in the Territory of Alaska.

## THIRD ERROR ASSIGNED.

That the District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 3 as requested by the appellant, which proposed Finding of Fact No. 3, is in words and figures as follows:

### Plaintiff's Finding Number Three.

The Court finds that the defendant, Alaska-Ebner Gold Mines Company, is a corporation duly organized and existing and doing business in the Territory of Alaska.

## FOURTH ERROR ASSIGNED.

That the District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt [2388] Finding No. 4, as re-

quested by the appellant, which proposed Finding No. 4 is in words and figures as follows:

Plaintiff's Finding Number Four.

The court finds that the defendant, Angus Mackey, was duly and regularly appointed, on the 29th day of June, 1912, by an Order of this Court made and entered in the case of Valdemar T. Hammer, plaintiff, vs. Alaska-Ebner Gold Mines Company, defendant, an action then pending in this Court as case No. 928-A, as receiver for the Alaska-Ebner Gold Mining Company, and did on the first day of July, 1912, take his oath of office, and in all respects duly qualify as such Receiver, and is now the duly acting and qualified Receiver for the Alaska-Ebner Gold Mines Company; and that leave of Court has been duly obtained to sue him as such Receiver.

FIFTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 5 as requested by the appellant, which proposed Finding of Fact No. 5, is in words and figures as follows:

Plaintiff's Finding Number Five.

The Court finds that Gold Creek is a natural stream of water, having its source in the mountains situate above Silver Bow Basin, a few miles easterly from the Town of Juneau, Alaska, from whence it flows through a series of basins and canyons in a westerly direction into Gastineau Channel, an arm of the Pacific Ocean, collecting the waters of various small streams and tributaries along its course.

SIXTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 6 as requested by the appellant, which proposed Finding of Fact No. 6, is in words and figures as follows:

Plaintiff's Finding Number Six.

The Court finds that the waters of Gold Creek were flowing in their natural channel at the point of diversion and appropriation, elsewhere in these Findings more particularly designated, on the first day of August, 1910; that on the said first day of August, 1910, *that on the said first day of August, [2389] 1910*, while the said waters were flowing in their natural channel, as aforesaid, one L. D. Mulligan, who was acting in that behalf as the agent and employ and representative of the plaintiff corporation, located, claimed and appropriated twenty thousand miners inches of the waters flowing in Gold Creek at the point of diversion, elsewhere in these Findings more specifically defined, said waters so appropriated to be used in connection with the mining and milling of ores from the plaintiff's mine in the manner elsewhere in these Findings more particularly described. And the Court finds that the said Mulligan did then and there, acting for and on behalf of plaintiff as aforesaid, post a notice on the right-hand bank of Gold Creek, going up stream, at a point a short distance above where the dam of the Alaska-Juneau Gold Mining Company has since been constructed and is now maintained; the same being approximately a mile easterly and up stream from the town

of Juneau and a short distance up stream from the portal of the Alaska-Juneau Gold Creek Tunnel, situate on the Colorado lode mining claim; that the said notice so posted by the said Mulligan is in words and figures as follows, to wit:

KNOW ALL MEN BY THESE PRESENTS; That I, L. D. Mulligan, of Alaska, a citizen of the United States, and over the age of twenty-one years, have appropriated and claimed 20,000 miner's inches, of the water of Gold Creek, near Juneau, Alaska, to be used for mining, milling and other purposes.

Said water to be diverted from said creek at a point indicated by this notice posted on a tree, and about one mile from the mouth of said Gold Creek.

Said water is to be diverted by ditch, pipe and flume.

(Signed) L. D. MULLIGAN.

Dated Aug. 1st, 1910.

That said above-described notice was on the 8th day of August, 1910, duly and regularly recorded in the office of the Recorder for the Juneau Recording District, which said Recording District embraces the territory through which Gold Creek flows.

#### SEVENTH ERROR ASSIGNED.

That the District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 7, as requested by the appellant, which proposed Finding of Fact No. 7 is in words and figures as follows: [2390]

Plaintiff's Finding Number Seven.

The Court finds that said L. D. Mulligan affixed his own name to said notice of appropriation,

(whereas he was, in truth and in fact, acting as agent and representative of the plaintiff in that behalf); Whereupon the said L. D. Mulligan, in order to place the legal and record title, to the rights acquired by him, in the plaintiff, made, executed and delivered to the plaintiff, on the 2nd day of August, 1910, his certain deed, conveying and quitclaiming to the plaintiff all his right, title and interest in and to the rights acquired under and by virtue of the steps taken by him as aforesaid.

#### EIGHTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 8, as requested by the appellant, which proposed Finding of Fact No. 8, is in words and figures as follows:

##### Plaintiff's Finding Number Eight.

The Court further finds that on the 8th day of May, 1911, the plaintiff posted an amended notice of appropriation at or near the point of diversion in these findings more particularly described, which said amended notice of appropriation is in words and figures as follows, to wit:

NOTICE IS HEREBY GIVEN, that, whereas, the Alaska Juneau Gold Mining Company did, by its agent, L. D. Mulligan, posting a notice claiming and appropriating 20,000 inches of water from the waters *flowing Gold Creek*, which notice is in words and figures as follows:

“KNOW ALL MEN BY THESE PRESENTS: That I, L. D. Mulligan of Alaska, a citizen of the United States and over the age of twenty one years,



have appropriated and claimed 20,000 miners inches, of the water of Gold Creek, near Juneau, Alaska, to be used for Mining, milling and other purposes.

Said water to be diverted from said creek at a point indicated in this notice, posted on a tree and about one mile from the mouth of said Gold Creek.

Said water is to be diverted by ditch, pipe and flume.

L. D. MULLIGAN.

Dated Aug. 1st, 1910.

And, whereas, the said L. D. Mulligan acted as the agent of the undersigned in this connection, who is now the owner and holder of said right so located by said Mulligan by virtue of such agency and by virtue of conveyances from said Mulligan; [2391]

Now, therefore, the undersigned, not waiving any of its rights or abandoning any of the rights belonging to it under and by virtue of said above described notice and the work of diverting the water of Gold Creek appropriated by reason thereof, and done pursuant thereto, but for the purpose of giving a more accurate and detailed description of the beneficial uses to which said water is to be put and the place and places where the same is to be used when diverted and applied under the aforesaid notice and of the means whereby the same is to be conveyed to such place of intended use, hereby posts and records this additional and amended notice of appropriation of water, and gives notice to all persons whatsoever that it claims and appropriates under and by virtue of such original notice as well as this amended notice 20,000 miner's inches of the waters of Gold

Creek measured under a four-inch pressure for mining, milling, power and other beneficial uses, to be diverted from said creek at a point at or near the place where this notice is posted, the same being posted on the banks of Gold Creek about one mile and one-eighth ( $\frac{1}{8}$ ) above the town of Juneau about 500 feet below the Ebner mill and about 1250 feet above the Jualpa Dam and immediately at the point where the dam of the Alaska-Juneau Gold Mining Company has been constructed and where the water is diverted under the above mentioned location notice, signed by L. D. Mulligan. The water so appropriated and claimed under said notice of L. D. Mulligan and hereunder is to be diverted from Gold Creek at that point, and conveyed by means of pipes, flumes, ditches and other means of conveyance, along a proposed route running above the southerly side of the Last Chance Basin and thence around Swede Hill to a point at or near Jorgensen sawmill, on the shore of Gastineau Channel, where the same is to be applied and used for the purpose of generating power and for other purposes to be used in connection with the operation of a stamp mill at or near that point, and a portion of the water so diverted and appropriated is to be used at a point on the Colorado claim near Snow Slide Gulch for the purpose of driving a compressor plant at that point and for the purpose of generating power at that point; and these waters so used on said Colorado claim will be conveyed by a pipe, flume and ditch along the route above indicated and taken from said pipe, flume and ditch to the extent so necessary, at said last men-



tioned place, if used for the purpose of furnishing power at that point as above stated. The remainder of the waters carried, not used at this point at any time, to be applied in connection with the operation of the stamp mill to be built near the Jorgenson saw mill as above stated.

NOTICE IS EXPRESSLY GIVEN, that the undersigned has not abandoned or waived any of the rights acquired under and by virtue of the notice of said L. D. Mulligan or by virtue of any of the work that [2392] it has heretofore performed looking towards the diversion and appropriation of the waters of Gold Creek or any other right or rights whatsoever it has at this present time to the waters of said creek.

Posted on the ground this 8th day of May, 1911.

ALASKA-JUNEAU GOLD MINING COMPANY,

By ROBT. A. KINZIE,

Agent and General Superintendent.

That the above amended notice of location was on the 8th day of May, 1911, duly and regularly recorded in the office of the Recorder for the Juneau Recording District, the same being the Recording District embracing the Territory through which Gold Creek flows.

#### NINTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 9, as requested by the appellant, which proposed Finding of Fact No. 9 is in words and figures as follows:

Plaintiff's Finding Number Nine.

On the 12th day of July, 1910, the plaintiff established a survey for a ditch and flume line, which commenced at a point approximately where the Mulligan notice was posted on the following first of August, and extended thence along the hillside to the shore of Gastineau Channel where it was the intention of the plaintiff to erect a milling plant in connection with which water, diverted from Gold Creek and conveyed along the said survey line, was to be used and applied.

TENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 10, as requested by the appellant, which proposed Finding of Fact No. 10, is in words and figures as follows:

Plaintiff's Finding Number Ten.

That on the first day of August, 1910, the plaintiff actively commenced work, looking toward the diversion, appropriation and application to use of the waters of Gold Creek, with a view of diverting said waters at a point near [2393] the point where the notice posted by the said L. D. Mulligan was posted on said first day of August, and conveying the same along the mountainside to a point on the Colorado Lode Claim, where the same was to be applied in connection with the generation of power and other mining purposes, and also conveying the same to a point on the shore of Gastineau Channel, where the plaintiff intended to apply said waters in connection with the operation of a large milling plant; and that

the plaintiff did from and after said first day of August, 1910, continue said work with due diligence and without cessation or delay.

That the work done by the plaintiff was such as was necessary to divert and appropriate the waters of Gold Creek as contemplated, and was done in a manner compatible with good engineering practices, and that in this connection the plaintiff constructed a flume grade and flume line from the point of diversion, it being the point where the Alaska-Juneau dam is now situate, in the bed of Gold Creek, immediately below the lower side line of the Lotta lode Mining Claim, thence to a point on the Colorado Lode Mining Claim and thence to another point on the plaintiff's mill site, situate on the shore of Gastineau Channel near what is locally known as the Jorgenson Saw mill, the said places to which said flume and flume line were thus constructed being the places of intended use.

That the route of said flume line extends along the hill site from the said point of diversion for a short distance to the portal of a tunnel six hundred eighty (680) feet in length driven for use in this connection, thence through said tunnel and along the hillside above the Jualpa Basin a distance of three thousand one hundred eighty three (3,183) feet until it reaches the portal of the Alaska-Juneau number three tunnel, through which it passes for a distance of about two thousand four hundred (2,400) feet to a point on the Gastineau side of Mount Roberts from whence the flume line extends along the said Gastineau side of Mount Roberts to the plaintiff's mill sites.

That the work in this connection was carried on diilgently and without cessation or delay from the time that it was started on the first day of August, 1910, until the same was fully completed at a cost of approximately seventy four thousand one hundred thirty-one (\$74,131.00) dollars.

That on October 3, 1910, the work done as above stated had been carried on to such an extent that a dam had been constructed across Gold Creek at the point of diversion, the same being the identical point where the plaintiff's dam is now maintained, and the waters of Gold Creek, to the extent of approximately five thousand (5,000) miner's inches had been diverted from their natural channel, and that on the 17th day of November, 1910, the said work had been carried on forward to a sufficient extent to enable the plaintiff [2394] to convey the water so diverted from the point of diversion aforesaid to a point on the Colorado Lode Claim, where the same was then and there applied to use in connection with the operation of a compressor there situate and used to furnish compressed air for use in connection with the plaintiff's mining operations; that said waters of Gold Creek so diverted as aforesaid were conveyed through the flume so constructed and applied to use in connection with the driving of said compressor, it being one of the beneficial uses designed, and have been so conveyed, diverted and applied at all times since, except that a portion of the water so diverted and conveyed were, during the Summer of 1913 and since that time, diverted and applied upon the plaintiff's mill site as hereinafter stated, until the waters

of Gold Creek were diverted by the defendants in the manner indicated in these findings.

That in the month of July, 1913, the flume and flume line above referred to had been completed the entire distance to the plaintiff's mill site, situate on the shore of Gastineau Channel, and the waters diverted from Gold Creek as aforesaid were then, to wit in the month of July, 1913, conveyed through said flume so constructed to and upon the plaintiff's mill site on the shore of Gastineau Channel, where the same were then applied to use in connection with plaintiff's mining and milling operations there carried on, and where the same have been so used ever since, except at such times when diverted by the defendants, as elsewhere in these Findings indicated.

#### ELEVENTH ERROR ASSIGNED.

The district Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 11, as requested by the appellant, which proposed Finding of Fact No. 11 is in words and figures as follows:

##### Plaintiff's Finding Number Eleven.

The court further finds that at all times in these Findings mentioned, the plaintiff was and still is the owner of a large group of mining claims and mill sites, situate a short distance to the East of the City of Juneau, Territory of Alaska, which said group of mining claims and mill sites comprising what is locally known and generally referred to as "The Alaska-Juneau Mine."

That a vein containing large deposits of gold bearing ore occurs on the plaintiff's group of said mining



claims, which said deposits have been mined on a small scale for more than twenty years; [2395]

That in the year 1899 a general plan was adopted by the plaintiff corporation with a view of opening up, developing and operating its said mines on a large scale, and work was then and there actively commenced to carry this plan into effect. The plan so adopted provided for the opening up of the ore bodies in the mine itself, the testing and sampling of the ores, the driving of a tunnel so driven as to connect the mine workings with a point on the Colorado Claim, the construction of a tram and rail way through said tunnel, and the construction of a tram and flume line from thence to the shore of Gastineau Channel, the construction of a large milling plant at said last mentioned point, and the appropriation of the waters of Gold Creek to be diverted and applied in the manner elsewhere in these Findings indicated.

That the work so commenced in the year 1899 has ever since been carried on with the highest degree of diligence and has resulted in opening up what are believed to be among the largest deposits of gold bearing ore ever discovered, in the completion of the contemplated tunnel driven a distance of six thousand five hundred thirty eight (6,538) feet so as to connect the workings in the plaintiff's mine with the point on the Colorado Claim above indicated, as well as the completion of four other tunnels made necessary to furnish a route for the plaintiff's tram and flume line, the construction of a tram line extending from the plaintiff's mine workings through the tunnel to the portal thereof and thence along the route

indicated to the plaintiff's mill site, the construction of a flume and flume line and the diversion and appropriation of the waters, as elsewhere in these Findings indicated, the construction of wharves, warehouses, tramways, ore-bins, rock houses and numerous other buildings and appliances forming a part of a milling plant, which is designed to have an ultimate capacity of twelve thousand (12,000) tons per day, in connection with the construction of which work is now being done on plaintiff's mill sites, situate on the shore of Gastinau Channel, as above indicated.

That a portion of said milling plant, containing forty (40) stamps, has been completed, and is now being used as a pilot mill.

That in addition to the tunnels and tram line, above referred to, an additional and further tunnel is being driven commencing at approximately sea level on the plaintiff's said mill site, and extending in an Easterly direction to connect with the workings of the plaintiff's mines in Silver Bow Basin in order to furnish an additional route for a tram line for use in connection with the transportation of ores from the plaintiff's said mine to the plaintiff's said milling plant, and that the plaintiff has supplied itself with locomotives, cars and other necessary appliances used to convey the ores from its said mine to its said millsite. [2396]

#### TWELFTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 12, as requested by the appellant,



which proposed Finding of Fact No. 12, is in words and figures as follows:

Plaintiff's Finding Number Twelve.

The Court further finds that on or about the 17th day of December, 1913, the defendants diverted all the waters flowing in Gold Creek at a point approximately three-fourths of a mile above the plaintiff's dam and intake without restoring the same to their natural channel until the same were carried a great distance below the plaintiff's said dam and intake, and did thereby prevent the waters flowing in Gold Creek from reaching the plaintiff's dam and intake; that the defendants have ever since continued to so divert said water, prevent the same from reaching the plaintiff's intake and are still continuing so to do, and intend to and will, unless restrained by an order of the Court, continue such diversion.

THIRTEENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 13, as requested by the appellant, which proposed Finding of Fact No. 13 is in words and figures as follows:

Plaintiff's Finding Number Thirteen.

The Court finds that by reason of the fact that the defendants have diverted the waters of Gold Creek at a point above the plaintiff's intake, the plaintiff is wholly deprived of the use of the waters flowing in said creek.

FOURTEENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and

adopt Finding No. 14, as requested by the appellant, which proposed Finding of Fact No. 14 is in words and figures as follows: [2397]

Plaintiff's Finding Number Fourteen.

The Court further finds that at the time the water was diverted by the defendants, the plaintiff was applying the same, the whole and every part thereof, to use in connection with the driving of its compressor plant on the Colorado Claim as aforesaid, and in carrying on its mining and milling operations on its mill site on the shore of Gastinau Channel, and that the plaintiff then and at all times ever since has required and needed the use of said water in connection with its said operations.

FIFTEENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 15, as requested by the appellant, which proposed Finding of Fact No. 15 is in words and figures as follows:

Plaintiff's Finding Number Fifteen.

The Court further finds that at the time of the commencement of this action, the plaintiff was, and still is, and at all times hereafter will be, in position to apply to use all the waters appropriated by it from Gold Creek, as in these Findings indicated, in connection with its mining and milling operations, the same being the beneficial use designed at the time the appropriation was made, and that the plaintiff will require in that connection, at all times in the future, all the water so appropriated by it as aforesaid in connection with the carrying on of its said

mining and milling operations, and that the plaintiff has not now sufficient power available from other sources to carry on its said operations.

SIXTEENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing and failing to make and adopt Finding No. 16, as requested by the appellant, which proposed Finding of Fact No. 16 is in words and figures as follows:

Plaintiff's Finding Number Sixteen.

The Court finds that one of the defendants, the Alaska Ebner Gold Mines Company is and was at the time of the commencement of this action insolvent. [2398]

SEVENTEENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 17, as requested by the appellant, which proposed Finding of Fact No. 17 is in words and figures as follows:

Plaintiff's Finding Number Seventeen.

That the damages resulting to the plaintiff from the diversion of the water by the defendants are speculative in their nature and such that they cannot be calculated and recovered in an action at law.

EIGHTEENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 18, as requested by the appellant, which proposed Finding of Fact No. 18 is in words and figures as follows:

## Plaintiff's Finding Number Eighteen.

The Court further finds that Gold was first discovered in Alaska in Silver Bow Basin in the year 1880; that shortly thereafter the Harris Mining District was duly and regularly organized so as to embrace the Territory in which gold was so discovered; that Gold Creek, as well as all and singular the property rights and other things connected therewith, to which reference is made in these Findings or in the pleadings herein, are situate within the boundaries of the Harris Mining District,

## NINETEENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 19, as requested by the appellant, which proposed Finding of Fact No. 19 is in words and figures as follows: [2399]

## Plaintiff's Finding Number Nineteen.

That at a meeting of the miners of the Harris Mining District, previously organized, held in the year 1882, the Miners of said District duly and regularly adopted the following rules with reference to the diversion and appropriation of water:

“Article I. The right to use the running water flowing in a river or stream, or down a canyon or ravine, may be acquired by appropriation.

Article II. The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such a purpose, the right ceases.

Article III. The person entitled to the use may change the place of diversion, if others are not in-

jured by such change and may extend the ditch, flume, pipe or aqueducts by which the diversion is made to place beyond that where the first use was made.

Article IV. A water appropriation may be turned into the channel of another stream and mingled with its waters and then reclaimed, but in reclaiming it the water already appropriated by another must not be diminished.

Article V. As between appropriators, the one first in time is the one first in right.

Article VI. A person desiring to appropriate water must post a notice in writing in a conspicuous place at the point of intended diversion stating therein;

First: He claims the water there flowing to the extent of (giving the number) inches, measured under a four-inch pressure.

Second: The purpose for which he claims it, and the place of intended use.

A copy of the notice must within ten (10) days after it is posted be recorded in the books kept by the recorder of the District.

Article VII. Within twenty days, during the working season, after the notice is posted, the claimant must commence the excavations or construction of the works in which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted by rain or snow.

Article VIII. By 'completion' it is meant conducting the waters to the place of intended use.



Article IX. By a compliance with the above rules, the claimant's right to the use of the water relates back to the time the notice was posted. [2400]

Article X. A failure to comply with such rules deprives the claimant of the right to the use of the water as against a subsequent claimant who complies therewith.

Article XI. Persons who have heretofore claimed the right to water, and who have not constructed works in which to divert it, and who have not diverted nor applied it to some useful purpose, must after this title takes effect, and within twenty days thereafter, proceed as in this title provided, or their right ceases."

#### TWENTIETH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing and failing to make and adopt Finding No. 20, as requested by the appellant, which proposed Finding of Fact No. 20 is in words and figures as follows, to wit:

Plaintiff's Finding Number Twenty.

That all and singular the rules, elsewhere set up in these Findings as having been adopted by the miners of the Harris Mining District, have been, from the time of their adoption, generally observed by the miners of said District.

#### TWENTY-FIRST ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 21, as requested by the appellant, which proposed Finding of Fact No. 21 is in words

and figures as follows, to wit:

Plaintiff's Finding Number Twenty-one.

That from and after the time that gold was first discovered in the Territory, it has been the general custom among the miners of the Harris Mining District, seeking to appropriate the waters of running streams, to post a notice at or near the point of intended diversion, stating the quantity of water claimed, measured in miners inches, the purpose for which it was claimed and the place of intended [2401] use, and to record said notice within ten (10) days after the same was posted, with the Recorder for the Recording District in which the stream, the waters of which were sought to be appropriated, was situated.

#### TWENTY-SECOND ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 22, as requested by the appellant, which proposed Finding of Fact No. 22 is in words and figures as follows:

Plaintiff's Finding Number Twenty-two.

The Court further finds that the notice posted by H. T. Tripp, and elsewhere referred to in the Findings of the Court, was not recorded until the 25th day of October, 1910.

#### TWENTY-THIRD ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 23, as requested by the appellant,



which proposed Finding of Fact No. 23 is in words and figures as follows:

Plaintiff's Finding Number Twenty-three

The Court further finds that no work of any character was done, looking towards the diversion and appropriation of the waters of Gold Creek under or pursuant to the notice posted by H. T. Tripp, and elsewhere referred to in the Findings of the Court, until after the 6th day of August, 1910.

TWENTY-FOURTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 24, as requested by the appellant, which proposed Finding of Fact No. 24 is in words and figures as follows: [2402]

The Court further finds that the months of July and August form part of the working season in the Harris Mining District.

TWENTY-FIFTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 25, as requested by the appellant, which proposed Finding of Fact No. 25 is in words and figures as follows:

The Court further finds that the Parish No. 2 lode claim, referred to in the Answer herein, was held by a final judgment of this court to have had no validity or existence at any time referred to in these Findings, and that said pretended lode claim was entirely void; that a judgment was rendered in the case of the Ebner Gold Mining Company against

The Alaska-Juneau Gold Mining Company, the same being cause No. 835-A on the docket of this Court, and in this connection the Court finds that said pretended lode claim is and at all times herein mentioned was void, fictitious and of no effect and not the property of the defendants, either, or any of them.

TWENTY-SIXTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 26, as requested by the appellant, which proposed Finding of Fact No. 26 is in words and figures as follows:

Plaintiff's Finding Number Twenty-six.

The Court further finds that the plaintiff had no knowledge of the fact that the notice posted by H. T. Tripp, during the latter part of the month of June, 1910, had been posted or that any such notice was in existence until some time after it had caused the notice, posted by L. D. Mulligan on the first day of August, 1910, to be posted and recorded and until after work had been commenced by the plaintiff looking towards the diversion and appropriation of the waters of Gold Creek, as elsewhere in these Findings set forth, and that the first time that the plaintiff had received any knowledge or information that such notice had been posted, or was in existence at all, was some time in the month of September, 1910.

[2403]

TWENTY-SEVENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and

adopt Finding No. 27, as requested by the appellant, which proposed Finding of Fact No. 27 is in words and figures as follows:

Plaintiff's Finding Number Twenty-seven.

The Court further finds that the Ebner Gold Mining Company, one of the defendants, had been for a long time prior to August in the year 1910, the owner of a group of lode mining claims situate on the banks of Gold Creek, and that it had been engaged for some years past in working these claims on a small scale; that in this connection a twenty stamp-mill had been constructed upon the property at a point a considerable distance up stream from the lower end thereof and the waters of Gold Creek had been diverted and applied to use in connection with these operations; that a dam had been built for this purpose, as well as a flume line to convey the waters to said mill, and that the waters so diverted and applied were turned back into the natural waters of Gold Creek at a point above the intake of the plaintiff and above the point where the plaintiff caused the notice, signed by L. D. Mulligan, to be posted; that prior to the year 1910 and after the said twenty stamp-mill had been constructed and was set in operation, the said Ebner Gold Mining Company, with a view of enlarging its milling capacity, adopted plans to construct a new and enlarged mill on the Lotta lode mining claim, at a point between the said twenty stamp-mill and the point where plaintiff's intake is situate and above the intake of the plaintiff, and that in this connection the said Ebner Gold Mining Company constructed a mill

building in which to install and house machinery and stamps, but did not install the machinery or stamps in said building, but did build a flume from the Ebner dam to a point above said building so as to enable it to divert the waters of Gold Creek and convey the same to said building for use therein, which said building was so situate that if the waters of Gold Creek were diverted and applied to use in connection with the operations of a mill or other appliances at that point, the same would be turned back into the natural channel of Gold Creek a considerable distance above the plaintiff's dam and intake since constructed, and in this connection the Court finds that said building, together with the flume leading from a point above it to the Ebner dam, were actually on the ground and in position at the time this action was commenced and during the months of June and August in the year 1910. [2404]

TWENTY-EIGHTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 28, as requested by the appellant, which proposed Finding of Fact No. 28 is in words and figures as follows:

The Court further finds that on the first of August, 1910, the plaintiff had no knowledge of the fact that the defendants or either or any of them intended to erect a milling plant at any point further down Gold Creek than the site of the plaintiff's dam and intake, or, that the defendants or either or any of them intended to appropriate the waters of Gold Creek and

convey the same to any point below the plaintiff's dam and intake.

**TWENTY-NINTH ERROR ASSIGNED.**

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 29, as requested by the appellant, which proposed Finding of Fact No. 29, is in words and figures as follows:

Plaintiff's Finding Number Twenty-nine.

The Court further finds that the defendants decided to construct a milling plant in the vicinity of Shady Bend, a point below the plaintiff's dam and intake on the 6th day of August, 1910.

**THIRTIETH ERROR ASSIGNED.**

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 30, as requested by the appellant, which proposed Finding of Fact No. 30 is in words and figures as follows:

Plaintiff's Finding Number Thirty.

The Court finds that none of the defendants herein, except the Ebner Gold Mining Company, owned any interest in any mining claim or other real property situate in the Harris Mining District or elsewhere in the Territory of Alaska, prior to the first day of August, 1910, or for a long time thereafter. [2405]

**THIRTY-FIRST ERROR ASSIGNED.**

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 31, as requested by the appellant, which proposed Finding of Fact No. 31 is in words and figures as follows:



Plaintiff's Finding Number Thirty-one.

The Court finds that at all times during the months of June, July and August in the year 1910, the Ebner Gold Mining Company was the owner of a group of mining claims locally known as the "Ebner Group" and also as the "Ebner Mine" property; that the most southerly claim belonging to this group and the claim farthest down Gold Creek is and was the Lotta lode claim, and that the lower or southerly side line of the said Lotta claim forms the lowermost boundary of the property belonging to the said Ebner Gold Mining Company, and that the said Ebner Gold Mining Company did not during the months of June, July or August in the year 1910 own or possess any mining claim or other right or interest in property to which the waters of Gold Creek could be conveyed lower down the creek than the said lower side line of the said Lotta claim; and that the point near Shady Bend selected on the 6th day of August as a site for a milling plant did not at that time, nor at any time during June, July or August, 1910, or for a long time thereafter, belong to the said Ebner Gold Mining Company, or any of the other defendants in this action.

THIRTY-SECOND ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 32, as requested by the appellant, which proposed Finding of Fact No. 32 is in words and figures as follows:

Plaintiff's Finding Number Thirty-two.

That the notice posted by H. T. Tripp in the month

of June, 1910, elsewhere referred to in these Findings, was posted at the intake of the Ebner flume, then situate upon the ground and on the right-hand side of Gold Creek going up stream, it being the side of the stream where the water entered the then existing flume. [2406]

### THIRTY-THIRD ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 33, as requested by the appellant, which proposed Finding of Fact No. 33 is in words and figures as follows:

Plaintiff's Finding Number Thirty-three.

That the Ebner Dam and the Intake of the Ebner flume, where the notice posted by H. T. Tripp, elsewhere referred to in these Findings, was posted, is situate upon one of the mining claims owned by the Ebner Gold Mining Company, and could not be reached by anyone without entering upon the property of said Ebner Gold Mining Company.

### THIRTY-FOURTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 34, as requested by the appellant, which proposed Finding of Fact No. 34 is in words and figures as follows:

Plaintiff's Finding Number Thirty-four.

The Court further finds that while the Ebner dam is visible from certain points along the Silver Bow Basin road, the road is so far distant from said dam that anyone passing along the same could not see a notice there posted sufficiently well to determine the



character of the same, read the same or otherwise inform himself concerning the same, except that it might be seen that a piece of paper was there posted, but a paper so posted would not be visible to anyone passing along said road, except at one or two points and then for a short distance only, the distance from the point where said notice was posted to the point on said highway where the same might possibly be seen being approximately one hundred fifty feet.

### THIRTY-FIFTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing to make and adopt Finding No. 35, as requested by the appellant, which proposed Finding of Fact No. 35 is in words and figures as follows: [2407]

Plaintiff's Finding Number Thirty-five.

The Court further finds that the notice posted by H. T. Tripp at the intake of the Ebner flume during the month of June in the year 1910, which said notice is more definitely described and referred to elsewhere in the Findings of the Court, was torn down during the latter part of July in the year 1910.

### THIRTY-SIXTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing and failing to adopt as Conclusion of Law the proposed Conclusion of Law No. 1 requested by the appellant, which said Conclusion of Law No. 1 so requested by appellant is in words and figures as follows:

Plaintiff's Conclusion of Law No. 1.

The Court concludes from the Findings made that the plaintiff is the prior appropriator of five thou-

sand miners inches of the waters of Gold Creek, and has as against the defendants, and each and all of them, a right to the use of five thousand miners inches of the waters of Gold Creek to be diverted at the plaintiff's present dam and conveyed to the points of use indicated in the Findings.

#### THIRTY-SEVENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing and failing to adopt as Conclusion of Law the proposed Conclusion of Law No. 2 requested by the appellant, which said Conclusion of Law No. 2 so requested by appellant is in words and figures as follows:

Plaintiff's Conclusion of Law No. 2.

From the Findings made, the Court concludes that the defendant, The Ebner Gold Mining Company, has wrongfully and without right diverted the waters of Gold Creek at a point above the plaintiff's intake in such a manner as to wholly deprive the plaintiff of the use of the water appropriated by it, and threatens to and will continue to so divert said water and deprive the plaintiff of the use thereof unless enjoined by the Court. [2408]

#### THIRTY-EIGHTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing and failing to adopt as Conclusion of Law the proposed Conclusion of Law No. 3 requested by the appellant, which said Conclusion of Law No. 3 so requested by appellant is in words and figures as follows:

Plaintiff's Conclusion of Law No. 3.

From the Findings made, the Court concludes that

the plaintiff has no plain, speedy or adequate remedy at law, and that it can obtain no relief except in a court of equity.

### THIRTY-NINTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in refusing and failing to adopt as Conclusion of Law the proposed Conclusion of Law No. 4 requested by the appellant, which said Conclusion of Law No. 4 so requested by appellant is in words and figures as follows:

Plaintiff's Conclusion of Law No. 4.

From the Findings made, the Court concludes that the defendants should be enjoined from interfering with or diverting the waters of Gold Creek to the extent of five thousand miners inches, or to interfere with the flow of the first five thousand miners inches flowing in Gold Creek at the point where plaintiff's dam and intake is situate.

### FORTIETH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting Finding of Fact No. 3 as made and adopted by the court, which is in words and figures as follows, to wit:

That some time about 1908, and a long time prior to the commencement of this action, the Ebner Gold Mining Company and its general manager and president, William M. Ebner, concluded to open up the said mining property and mine, mill and treat the ores taken therefrom upon a larger scale [2409] than it had theretofore been operating said mines, and to that end and purpose it was concluded to drive

a large working tunnel, commencing said tunnel at the lower end of the property upon what is known as Cape Horn No. 2 lode claim belonging to said company, thence driving said tunnel through said group of claims to the upper end of the same to the old workings, which said tunnel would cross out the formation and show up the values of the property, as well as to serve as a working tunnel. They also concluded upon building and constructing and equipping a large stamp-mill of about 150 or 200 stamps at or near the portal of said crosscut and working tunnel and to build and construct a flume and pipeline to take from Gold Creek a large quantity of water and convey it from a point at or near where the water had been diverted from the creek in connection with the said 15-stamp mill, which is at the upper end of the group of claims, to a point near the portal of the tunnel and at the place where it was decided to erect the 150 or 200-stamp mill, and to erect such other buildings and install such other machinery so as to carry out the plans decided upon.

That during the year of 1909, one H. T. Tripp, an experienced mining engineer, was employed by persons interested in said group of mining claims of the Ebner Gold Mining Company to look over, examine and explore said mining property and to report on the advisability of opening up and mining said property on a larger scale, as had been decided on by the said William M. Ebner and the said Ebner Gold Mining Company. That said Tripp made a thorough examination of the property, its formation, the ore body or bodies, and the water of Gold Creek flowing

there through, and reported favorably on what the said Ebner and Ebner Gold Mining Company had concluded to do. That Tripp completed his work and made his report about the last of June or the first of July, 1910.

#### FORTY-FIRST ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 3 reading as follows:

“And to that end and purpose it was concluded to drive a large working tunnel, commencing said tunnel at the lower end of the property upon what is known as Cape Horn No. 2 lode claim belonging to said company.”

#### FORTY-SECOND ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its [2410] Finding of Fact that portion of Finding of Fact No. 3 reading as follows:

“Cape Horn No. 2 lode claim belonging to said company.”

#### FORTY-THIRD ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 3 reading as follows:

“They also concluded upon building and constructing and equipping a large stamp-mill of about 150 or 200 stamps at or near the portal of said crosscut and working tunnel and to build and construct a



flume and pipe-line to take from Gold Creek a large quantity of water and convey it from a point at or near where the water had been diverted from the creek in connection with the said 15-stamp mill, which is at the upper end of the group of claims, to a point near the portal of the tunnel and at the place where it was decided to erect the 150 or 200-stamp mill, and to erect such other buildings and install such other machinery so as to carry out the plans decided upon."

#### FORTY-FOURTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting Finding of Fact No. 4 as made and adopted by the Court, which is in words and figures as follows, to wit:

"The Court further finds that as early as October, 1880, the miners in and near the vicinity of Juneau and Silver Bow Basin, including the territory covered by the Ebner Company's group of mining claims, diverted and appropriated water from streams to be used for mining and other beneficial purposes and ever since about that date it has been the universal practice and general custom for any person or corporation desiring to appropriate water for the purposes last above mentioned to post a notice in writing in a conspicuous place at the intended point of diversion on the creek or stream from which the water is expected to be diverted or taken; that the posting of such notice has always been considered under such general custom of miners as the first step taken looking towards the appropriation and apply-

ing the water to mining or some other beneficial use as well [2411] as showing the intention of the person or corporation posting the notice and giving warning and notice to others of the poster's intention of utilizing such water.

And the Court further finds that the posting of the notice in the manner above mentioned does serve the purpose above stated. That the said H. T. Tripp knew of the above mentioned customs, and while examining and exploring the group of mining claims of the said Ebner Gold Mining Company as stated in these Findings, on the 29th day of June, 1910, attached to a board and posted in a conspicuous place on the Ebner Gold Mining Company's dam which had been constructed for the purpose of diverting the water and conducting it to the 15-stamp mill, a written notice claiming 10,000 miner's inches of water of the said Gold Creek, which said notice is as follows:

“Notice of Water.

Notice is hereby given to all whom it may concern that I, the undersigned, claim 10 thousand miner's inches of the water flowing in this creek or any part of 10 thousand miner's inches that may be flowing at any season of the year to be conveyed by ditch, flume or pipe along the bank of Gold Creek with pipe or flume or both to any place on the property known as the Ebner Mine or to carry across or farther than the limits of the said mine property. This location is made on the ground this day and date and is posted at the place known as the Ebner dam about 1¾



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miles up from Juneau, Alaska, on Gold Creek.

Dated this 20th day of June, 1910.

Time 7:30 A. M.

Locator—H. T. TRIPP.

Witness:

JOHN SOINI.”

That said notice could be plainly seen from a public highway which runs up Gold Creek and in close proximity to said dam on which said notice was posted. That while said H. T. Tripp signed or affixed his own name to the notice, the said making out of said notice and posting of the same, and said step so taken looking towards the applying of said amount of water to use for mining or other beneficial purposes, was done by the said Tripp on behalf of and for the said group of mining claims of the Ebner Gold Mining Company and parties interested therein, and said water was intended to be conducted down over and across the said group of mining claims from the point of intake of the said defendant company to the mill site and tunnel portal on the Cape Horn No. 2 claim at the lower end of the Ebner property, and there to be used and applied to the air-compressor and the new mill to be built, and for mining purposes generally, as had been contemplated under the Ebner and Tripp scheme of opening up, mining and operating said property on a larger scale as had been referred to in these Findings. [2412]

#### FORTY-FIFTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of

Fact No. 4 reading as follows:

“And ever since about that date it has been the universal practice and general custom for any person or corporation desiring to appropriate water for the purposes last above mentioned to post a notice in writing in a conspicuous place at the intended point of diversion on the creek or stream from which the water is expected to be diverted or taken.”

FORTY-SIXTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 4, reading as follows:

“Posting of such notice was always considered under the general custom of miners as the first step taken looking toward the appropriation and applying of water.”

FORTY-SEVENTY ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 4, reading as follows:

“That said notice could be plainly seen from a public highway which runs up Gold Creek and in close proximity to said dam on which said notice was posted.”

FORTY-EIGHTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 4, reading as follows: [2413]

“That while said H. T. Tripp signed or affixed his own name to the notice, the said making out of said notice and posting of the same, and said step so taken looking towards the applying of said amount of water to use for mining or other beneficial purposes, was done by the said Tripp on behalf of and for the said group of mining claims of the Ebner Gold Mining Company and parties interest therein,” and

#### FORTY-NINTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 4, reading as follows:

“That said water was intended to be conducted down over and across the said group of mining claims from the point of intake of the said defendant company to the mill site and tunnel portal on the Cape Horn No. 2 claim at the lower end of the Ebner property and there be used and applied to the air-compressor and the new mill to be built, and for mining purposes generally, as had been contemplated under the Ebner and Tripp scheme of opening up, mining and operating said property on a larger scale as has been referred to in these findings.”

#### FIFTIETH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 4, reading as follows:

“To the mill site and tunnel portal on the Cape Horn No. 2 claim at the lower end of the Ebner property.”

FIFTY-FIRST ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting Finding of Fact No. 5 as made and adopted by the Court, which is in words and figures as follows, to wit: [2414]

The Court further finds that the action of said Tripp in posting of said notice mentioned in the finding above set forth was the first step taken by anyone looking towards the future diversion and appropriation of the water of Gold Creek, and said action of said Tripp was prior to any step taken by plaintiff, or any intention made manifest by plaintiff, of taking any water from Gold Creek and applying it to mining or other beneficial use, and was prior to the posting of any water location notice by said plaintiff.

That not until after the defendant had followed up its first step, namely, posting of notice, by the actual physical work at the point where its notice was posted, and after actual diversion of the water at such point, did the plaintiff do anything that would give notice to the defendant of any claim that the plaintiff intended to make to the water of Gold Creek, or do anything looking to the appropriation of water, or indicating any intention or desire to appropriate the waters of Gold Creek.

FIFTY-SECOND ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 5, reading as follows:

“The Court further finds that the action of said Tripp in posting of said notice mentioned in the finding above set forth was the first step taken by anyone looking towards the future diversion and appropriation of the water of Gold Creek, and said action of said Tripp was prior to any step taken by plaintiff, or any intention made manifest by plaintiff, of taking any water from Gold Creek and applying it to mining or other beneficial use, and was prior to the posting of any water location notice by said plaintiff.

#### FIFTY-THIRD ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 5, reading as follows:

“That not until after the defendant had followed up its first step, namely, posting of notice, by the actual physical work at the point where its notice was posted, and after actual diversion of the water at such point, did the plaintiff do anything that would give notice [2415] to the defendant of any claim that the plaintiff intended to make to the water of Gold Creek, or do anything looking to the appropriation of water, or indicating any intention or desire to appropriate the waters of Gold Creek, excepting only the posting of the notice referred to in the complaint as the Mulligan notice.”

#### FIFTY-FOURTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting Finding of Fact No. 7 as made and adopted by the



Court, which is in words and figures as follows:

That by certain mesne conveyances said H. T. Tripp a long time before the commencement of this action assigned or conveyed whatever right or title he acquired by reason of posting the notice signed by him, to the defendant, *Ebner Gold Mining Company*.

That work was commenced under said Tripp notice and those for whom said water was located and their successors in interest have proceeded with due diligence with their work in the opening up and developing of said mining property and the application of the water of Gold Creek under said notice to actual use. The tunnel mentioned in these findings which had been decided upon to be driven by said Tripp and Ebner was soon after the filing of said notice surveyed out, commencing at the lower end of the said group of claims on Cape Horn No. 2 lode claim, and extending to the upper end of said group of claims to what is known as the old Ebner Workings, about the point of the 15-stamp mill, and had been driven at the time of the commencement of this action 2600 feet and taps the ore bodies of said group of claims at various depths, being from the bottom of said tunnel to the surface about — feet. That a right of way was surveyed out for a high-line flume which had been decided upon by said Ebner and Tripp, said survey commencing at the point where the Tripp location notice was posted and extending around the hill side across the Ebner property to a point near the portal of the tunnel and the mill site, which said flume is  $3\frac{3}{4}$  feet by 4 feet

and about 4000 feet long, and has a carrying capacity of approximately 3200 miner's inches of water, and had been completed at the time of the commencement of this action. Lumber and material were purchased for a 200-stamp mill, and most of the machinery bought to equip said mill, the mill site graded at or near the portal of said tunnel, and at or near the point where the water was to be conveyed. That on the 14th day of September, 1910, water was diverted from Gold Creek at a point where the Tripp notice was posted, said water run through a large open cut made for the purpose of laying the new flume, and this diversion of the water from Gold Creek was prior to any diversion therefrom [2416] made by the plaintiff herein. The new flume line above referred to was completed from a point on Gold Creek where the Tripp notice was posted to the penstock of said Company on the 15th day of December, 1910. Work was commenced on the tunnel above referred to on or about the — day of —, 1910, and was diligently and actively kept up, said tunnel being 8 feet by 8 feet, and as above stated had been driven 2600 feet at the time of the commencement of this action, and at the time of filing the answer in this cause there had been over 4000 feet of tunnelling, crosscuts and drifts completed. That before the commencement of this action a large new air-compressor plant had been erected near the mouth of the tunnel and a pipe-line leading from the penstock above mentioned to the air-compressor, and in August, 1913, said pipe-line was connected up with said air-compressor and the water used for



power in running the same, and said air-compressor was used in continuing the driving of the new tunnel referred to in *these* finding and has been applied to that use ever since said last-mentioned date. Prior to the commencement of this action the lumber and material referred to herein for the building of the 200-stamp mill as well as the machinery for the equipment of the said mill had been purchased and forwarded to Juneau, Alaska, and most of the same on the mill site near the place of the erection of the new mill. That since the commencement of this action and at the time of the trial of the same, work has progressed on said property with due diligence and from time to time larger quantities of water taken from Gold Creek through the said new flume and applied to use by the defendant company as necessity demanded.

#### FIFTY-FIFTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 7, reading as follows:

“That by certain mesne conveyances said H. T. Tripp a long time before the commencement of this action assigned or conveyed whatever right or title he acquired by reason of posting the notice signed by him, to the defendant, Ebner Gold Mining Company.”

#### FIFTY-SIXTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of

Fact No. 7, reading as follows: [2417]

That work was commenced under said Tripp notice and those for whom said water was located and their successors in interest have proceeded with due diligence with their work in the opening up and developing of said mining property and the application of the water of Gold Creek under said notice to actual use."

FIFTY-SEVENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 7, reading as follows:

"The tunnel mentioned in these findings which had been decided upon to be driven by said Tripp and Ebner was soon after the filing of said notice surveyed out, commencing at the lower —"

FIFTY-EIGHTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 7, reading as follows:

"That a right of way was surveyed out for a high-line flume which had been decided upon by said Ebner and Tripp, said survey commencing at the point where the Tripp location notice was posted and extending around the hill side across the Ebner property to a point near the portal of the tunnel and the hill site, which said flume is about 4000 feet long and had been completed at the time of the commencement of this action."

FIFTY-NINTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 7, reading as follows:

“Lumber and material were purchased for a 200-stamp mill, and most of the machinery bought to equip said mill, the mill site graded at or near the [2418] *the* point where the water was to be conveyed.”

SIXTIETH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 7, reading as follows:

“That on the 14th day of September, 1910, water was diverted from Gold Creek at a point where the Trip notice was posted, said water run through a large open cut made for the purpose of laying the new flume, and this diversion *pf* the water from Gold Creek was prior to any diversion therefrom made by the plaintiff herein.”

SIXTY-FIRST ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 7, reading as follows:

“The new flume line above referred to was completed from a point on Gold Creek where the Tripp notice was posted to the penstock of said company on the 15th day of December, 1910.”

SIXTY-SECOND ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 7, reading as follows:

“Work was commenced on the tunnel above referred to on or about the —— day of ——, 1910, and was diligently and actively kept up, said tunnel being 8 feet by 8 feet, and as above stated had been driven 2600 feet at the time of the commencement of this action, and at the time of filing the answer in this cause there had been over 4000 feet of tunneling, crosseuts and drifts completed.” [2419]

SIXTY-THIRD ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, error in making and adopting Finding of Fact No. 9, as made and adopted by the Court, which is in words and figures as follows:

“That the tunnel being driven by the defendant, the Ebner Gold Mining Company, referred to in these findings, is being driven through the group of Ebner lode mining claims, known as the Ebner mine, being the group of lode mining claims for the benefit of which said water was located by said Tripp, as aforesaid, and all of the work in connection with the development and opening up of the ore bodies in said group of claims since the location of said water by said Tripp has been done with diligence, and \$351,000.00 more or less, expended in opening up such ore bodies in said Ebner Group of lode mining claims, and the work was at the time of the trial still pro-

gressing with diligence. That all of said work was being done for the purpose of opening up the Ebner group of lode mining claims as a mine so that the bodies of ore within the exterior boundary lines of said group of claims could be opened up and mined, and the ores milled and treated, and the precious meals extracted therefrom.”

SIXTY-FOURTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 9, reading as follows:

“That the tunnel being driven by the defendant, the Ebner Gold Mining Company, referred to in these Findings, is being driven through the group of lode mining claims for the benefit of which said water was located by said Tripp, as aforesaid.”

SIXTY-FIFTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 9, reading as follows: [2420]

“And all of the work in connection with the development and opening up of the ore bodies in said group of claims since the location of said water of said Tripp has been done with diligence, and \$351,000.00, more or less, expended in opening up such ore bodies in said Ebner group of lode mining claims, and the work was at the time of the trial still progressing with diligence.”

SIXTY-SIXTH ERROR ASSIGNED.

The District Court for the Territory of Alaska,



Division Number One, erred in making and adopting Finding of Fact No. 10, as made and adopted by the Court, which is in words and figures as follows:

“With reference to the rules and regulations which plaintiff sets out in its reply and claims were adopted by the miners of Harris Mining District in 1882, covering and governing the appropriation and diversion of water from streams for mining and other beneficial uses, the Court finds, after careful consideration of the evidence and the law relating to such rules and regulations, that they never were followed by the miners and were never put in force, or, if they ever were followed or put in force, they fell into disuse and became obsolete before the rights of either of the parties to this action were claimed to be initiated, and that they are inconsistent with the general laws of the United States and could not be in force since the extension of organized government to Alaska in the year of 1884, and are therefore of no effect in the determination of the issues in this case.

#### SIXTY-SEVENTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 10, reading as follows:

“With reference to the rules which plaintiff sets out in its reply and claims were adopted by the miners of Harris Mining District in 1882, covering and governing the appropriation and diversion of water from streams for mining and other beneficial uses, the Court finds, after careful consideration of

the evidence and the law relating to such rules and regulations, that they never were followed by the miners and were never put in force.” [2421]

#### SIXTY-EIGHTH ERROR ASSIGNED.

The District Court of the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 10, reading as follows:

“Or, if they ever were followed or put in force, they fell into disuse and became obsolete before the rights of either of the parties to this action were claimed to be initiated.”

#### SIXTY-NINTH ERROR ASSIGNED.

The District Court of the Territory of Alaska, Division Number One, erred in making and adopting as its Finding of Fact that portion of Finding of Fact No. 10, reading as follows:

“And that they are inconsistent with the general laws of the United States and could not be in force since the extension of organized government to Alaska in the year of 1884, and are therefore of no effect in the determination of the issues in this case.”

#### SEVENTIETH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in making and adopting Finding of Fact No. 11 as made and adopted by the Court, which is in words and figures as follows:

“The Court further finds that the work of diversion, appropriation and application of the water from Gold Creek by the defendants herein was prosecuted to completion with reasonable diligence from the time of the inception of said right.”



SEVENTY-FIRST ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in adopting as the Conclusion of Law and in concluding as a matter of Law, as follows:

Conclusion of Law.

I.

That as against the plaintiff, the defendant is [2422] the owner of and entitled to the first use of 10,000 miner's inches of water, to be taken from Gold Creek at or in the vicinity of the place where the Tripp notice was posted.

SEVENTY-SECOND ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in adopting as the Conclusion of Law and in concluding as a matter of law, as follows:

Conclusion of Law.

II.

That whatever rights plaintiff has in the water of Gold Creek by reason of anything set forth in its complaint, is subsequent, inferior and subordinate to the rights of the defendant, as set forth in these Findings.

SEVENTY-THIRD ERROR ASSIGNED.

The District Court for the Territory of Alaska, Division Number One, erred in adopting as the Conclusion of Law and in concluding as a matter of law, as follows:

Conclusion of Law.

III.

That the plaintiff is not entitled to the relief asked for or to any relief.

SEVENTY-FOURTH ERROR ASSIGNED.

The District Court for the Territory of Alaska, Divison Number One, erred in entering its decree herein in favor of the defendant and against the plaintiff.

HELLENTHAL & HELLENTAL,  
Attorneys for Appellant.

Due service of the foregoing admitted this 25th day of April, 1916.

WINN & BURTON,  
Attorneys for Appellee.

Filed in the District Court, District of Alaska, First Division. Apr. 26, 1916. J. W. Bell, Clerk.  
By C. Z. Denny, Deputy. [2423]

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O. K.—W. & B.

*In the District Court for the District of Alaska,  
Division Number One, at Juneau.*

*In the United States Circuit Court of Appeals for  
the Ninth Circuit, Holden at San Francisco.*

ALASKA JUNEAU GOLD MINING COMPANY,  
a Corporation,

Appellant,

vs.

THE EBNER GOLD MINING COMPANY, a Corporation, et al,

Appellee,

**Bond on Appeal.**

KNOW ALL MEN BY THESE PRESENTS:  
That we, the Alaska-Juneau Gold Mining Company,

a corporation, appellant herein, and John Beck, surety, all residents of the Territory of Alaska, are held firmly bound unto the above-named Ebner Gold Mining Company, a corporation, The Alaska-Ebner Gold Mines Company, a corporation, Angus Mackey, as Receiver for the Alaska-Ebner Gold Mines Company and Downie D. Muir, appellees, in the sum of five thousand (\$5,000.00) dollars, to be paid to the said appellees, for the payment of which well and truly to be made, we bind ourselves and each of us, and each of our heirs, executors, administrators and assigns and successors, jointly and severally, firmly by these presents.

Sealed with our seals and dated this 26th day of April, in the year of our Lord, one thousand nine hundred and sixteen.

Whereas the above-named Alaska-Juneau Gold Mining [2424] Company, a corporation, has prosecuted an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, to reverse the judgment and decree rendered in the above-entitled suit by Robert W. Jennings, Judge of the District Court for the Territory of Alaska;

Now, therefore, the condition of this obligation is such that if the above-named Alaska-Juneau Gold Mining Company shall prosecute its said appeal to effect and answer all damages and costs, if they fail to make said appeal good then this obligation shall

be void; otherwise the same shall be in full force and effect.

ALASKA-JUNEAU GOLD MINING COMPANY,

By J. A. HELLENTHAL,  
Its Attorney.

JOHN RECK,

Surety.

APPROVED:

ROBERT W. JENNINGS,

Judge.

Filed in the District Court, District of Alaska,  
First Division. Apr. 26, 1916. J. W. Bell, Clerk.

By C. Z. Denny, Deputy. [2425]

O. K.—W. & B.

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*In the District, Court for the District of Alaska,  
Division Number One, at Juneau.*

*In the United States Circuit Court of Appeals for  
the Ninth Circuit, Holden at San Francisco.*

ALASKA-JUNEAU GOLD MINING COMPANY,  
a Corporation,

Appellant,

vs.

THE EBNER GOLD MINING COMPANY, a Corporation, THE ALASKA-EBNER GOLD MINES COMPANY, a Corporation, ANGUS MACKAY, as Receiver for the ALASKA-EBNER GOLD MINES COMPANY and DOWNIE D. MUIR.

Appellees.

**Citation on Appeal.**

United States of America,—ss.

To the Ebner Gold Mining Company, a Corporation,  
 The Alaska-Ebner Gold Mines Company, a Corporation,  
 Angus Mackey as Receiver for the  
 Alaska-Ebner Gold Mines Company and  
 Downie D. Muir, GREETING:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be holden at San Francisco, in the State of California, within thirty (30) days from and after this date, pursuant to an appeal filed in the Clerk's office of the District Court for the Territory of Alaska, Division Number One, at Juneau in the above-entitled cause, wherein the Alaska-Juneau Gold Mining Company, a corporation, the appellant herein, was the plaintiff and the Ebner Gold Mining Company, a corporation, The Alaska-Ebner Gold Mines Company, a corporation, Angus Mackey, and Downie D. Muir the appellees herein, were defendants, to show cause, if any there be, why the judgment and decree entered in said cause of the Alaska-Juneau Gold Mining Company, plaintiff, vs. The Ebner Gold Mining Company, a corporation, The Alaska-Ebner Gold Mines [2426] Company, a corporation, Angus Mackey, as Receiver for the Alaska-Ebner Gold Mines Company and Downie D. Muir, defendants, and referred to in the petition for an appeal filed in said cause, which said appeal was by order of the Court allowed as prayed for, should not be corrected and speedy

justice should not be done to the parties in that behalf.

WITNESS the Honorable EDWARD DOUGLAS WHITE, Chief Justice of the United States this 26 day of April, in the year of our Lord one thousand nine hundred and sixteen.

ROBERT W. JENNINGS,  
Judge of the District Court for the Territory of  
Alaska, Division Number One.

Copy of the foregoing Recd. and Service admitted,  
Apr. 26, 1916.

WINN & BURTON,  
Attys. Appellees.

Filed in the District Court, District of Alaska,  
First Division. Apr. 26, 1916. J. W. Bell, Clerk.  
By C. Z. Denny, Deputy. [2427]

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*In the District Court for the Territory of Alaska,  
Division Number One, at Juneau.*

Case No. 1074-A.

ALASKA-JUNEAU GOLD MINING COMPANY,  
a Corporation,

Plaintiff,

vs.

THE EBNER GOLD MINING COMPANY, a Corporation,  
THE ALASKA-EBNER GOLD MINES COMPANY, a Corporation,  
ANGUS MACKEY, as Receiver for the ALASKA-EBNER GOLD MINES COMPANY and  
DOWNIE D. MUIR,

Defendants.



**Order Directing Transmission of Original Exhibits  
to Appellate Court.**

Upon stipulation of the parties, it is ORDERED by the Court that the Clerk of this court transmit to the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit at San Francisco, each and all of the exhibits received in evidence during the progress of the above-entitled cause for use in connection with the printing of the record and the argument and presentation of this cause before the said United States Circuit Court of Appeals for the Ninth Circuit.

Done in open court this 1st day of May, 1916.

ROBERT W. JENNINGS,  
Judge.

OK.—JNO. R. WINN.

Filed in the District Court, District of Alaska,  
First Division. May 1, 1916. J. W. Bell, Clerk.  
By L. E. Spray, Deputy. [2428]

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*In the District Court for the Territory of Alaska,  
Division Number One, at Juneau.*

No. 1074—A.

ALASKA-JUNEAU GOLD MINING COMPANY,  
a Corporation,

Plaintiff,

vs.

THE EBNER GOLD MINING COMPANY, a Cor-  
poration, et al.,

Defendants.



**Praeceptum for Transcript of Record.**

To the Clerk of the District Court for the District of Alaska, Division Number One:

You will please prepare a transcript of the record in the above-entitled cause, and transmit the same to the Circuit Court of Appeals for the Ninth Circuit, to be used in the hearing of the appeal herein, said transcript to include copies of the following files in this cause, to wit:

1. Complaint;
2. Order allowing correction of complaint by interlineation, filed January 10, 1914;
3. Motion to amend complaint, filed March 19, 1914;
4. Order allowing amendments to complaint, filed March 20, 1914;
5. Answer; to complaint and amendments;
6. Reply to answer;
7. Motion to amend reply, filed July 10, 1914;
8. Order allowing amendments to reply, filed July 13, 1914;
9. Motion to amend reply by substitution, filed July 17, 1914;
10. Minute order allowing amendments to reply, by interlineation or substitution, entered July 20, 1914;
11. Opinion, preliminary hearing;
12. Memorandum decision, filed April 30, 1915;
13. Judgment and decree;
14. Bill of exceptions;
15. Petition for appeal and order allowing same;

16. Assignment of errors;
17. Bond on Appeal;
18. Citation on appeal, together with the acknowledgment of service thereon by appellee;
19. Order on stipulation, re transmitting exhibits;
20. This praecipe;

All of which are to be prepared with the view of transmitting the same to the United States Circuit Court of Appeals for the Ninth Circuit, in connection with the appeal herein, within the time limited by the rules of that court.

HELLENTHAL & HELLENTHAL,  
Attorneys for Alaska-Juneau Gold Mining Company.

Filed in the District Court, District of Alaska,  
First Division. Apr. 26, 1916. J. W. Bell, Clerk.  
By C. Z. Denny, Deputy. [2429]

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*In the District Court for the District of Alaska, Division No. 1, at Juneau.*

United States of America,  
District of Alaska,  
Division No. 1,—ss.

**Certificate of Clerk U. S. District Court to  
Transcript of Record.**

I, J. W. Bell, Clerk of the District Court for the District of Alaska, Division No. 1, hereby certify that the foregoing and hereto attached 2429 pages of typewritten matter numbered from 1 to 2429, both inclusive, constitute a full, true, and complete copy, and the whole thereof, of the record, as per

the praecipe of the plaintiff in error, on file herein and made a part hereof, in the cause wherein the Alaska-Juneau Gold Mining Company, a corporation is plaintiff in error, and The Ebner Gold Mining Company, a corporation, The Alaska-Ebner Gold Mines Company, a corporation, Angus Mackey, as Receiver for the Alaska-Ebner Gold Mines Company, and Downie D. Muir, are defendants in error, No. 1074-A, as the same appears of record and on file in my office, and that the said record is by virtue of an appeal and citation issued in this cause and the return thereof in accordance therewith.

I do FURTHER CERTIFY, that this transcript was prepared by me in my office, and the cost of preparation, examination, and certificate, amounting to \$958.10 has been paid to me by counsel for plaintiff in error.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of the above-entitled Court, this 5th day of May, 1916.

[Seal]

J. W. BELL,  
Clerk.

2746 *Alaska-Juneau Gold Mining Company vs.*

[Endorsed]: No. 2795. United States Circuit Court of Appeals for the Ninth Circuit: Alaska-Juneau Gold Mining Company, a Corporation, Appellant, vs. Ebner Gold Mining Company, a Corporation, The Alaska-Ebner Gold Mines Company, a Corporation, Angus Mackey, as Receiver for The Alaska-Ebner Gold Mines Company, a Corporation, and Downie D. Muir, Appellee. Transcript of Record. Upon Appeal from the United States District Court for the District of Alaska, Division No. 1.

Filed May 15, 1916.

F. D. MONCKTON,

Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.